

Kansas Register

Ron Thornburgh, Secretary of State

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In this issue . . .

Page

Heartland Works, Inc.	
Request for proposals for computer and communication systems	1436
Requests for proposals for lease of office space	1436
Pooled Money Investment Board	
Notice of investment rates	1436
Legislative interim committee schedule	1437
Secretary of State	
Executive appointments	1438
State Board of Technical Professions	
Notice of hearing on proposed administrative regulations	1438
Kansas Development Finance Authority	
Notice of hearing on proposed revenue bonds	1439
State Corporation Commission	
Notice of motor carrier hearings	1440
Kansas Department of Transportation	
Notice to consulting engineers	1440
Notice to contractors	1441
Notice of Bond Sale	
City of Newton	1443
City of Hutchinson	1445
City of Haysville	1446
State Board of Regents	
Notice of commencement of negotiations for collection services	1444
Notice of hearing on proposed administrative regulations	1444
Notice of Bond Redemption	
City of Kansas City	1444
Kansas Department of Health and Environment	
Notice of hearing on proposed administrative regulations	1446
Notice concerning Kansas water pollution control permits	1448
Kansas State University	
Notice to bidders	1447
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	1447
Kansas Court of Appeals	
Docket for October	1450
Kansas Council on Developmental Disabilities	
Notice of grant awards	1458
Permanent Administrative Regulations	
Kansas Racing and Gaming Commission	1458
Temporary Administrative Regulations	
Department of Health and Environment	1459
Index to administrative regulations	1493

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Heartland Works, Inc.**Request for Proposals**

Heartland Works, Inc. is accepting bids for the lease of office space in Topeka. To receive a Request for Proposal containing all specifications, contact Heartland Works, Inc., 1035 S.W. Topeka Blvd., Topeka, 66612-1601, (785) 234-0500. Bids are due by 3 p.m. October 6. All companies and/or property owners are encouraged to bid.

Nancy Miller
Administrative Assistant

Doc. No. 024346

(Published in the Kansas Register September 30, 1999.)

Heartland Works, Inc.**Request for Proposals**

Heartland Works, Inc. is accepting bids for the establishment and maintenance of computer and communication systems for the Heartland Works One-Stop System, which consists of five One-Stop Career Centers, five Multimedia Resource Sites and one administrative office. To receive a Request for Proposal, including all specifications, contact Heartland Works, Inc., 1035 S.W. Topeka Blvd., Topeka, 66612-1601, (785) 234-0500. A pre-bid conference will be held at 1:30 p.m. October 6 at the Heartland Works office. Bids must be received not later than 3 p.m. October 20. Heartland Works welcomes all interested firms to bid.

Nancy Miller
Administrative Assistant

Doc. No. 024339

(Published in the Kansas Register September 30, 1999.)

Heartland Works, Inc.**Request for Proposals**

Heartland Works, Inc. is accepting bids for the lease of office space in Lawrence. To receive a Request for Proposal containing all specifications, contact Heartland Works, Inc., 1035 S.W. Topeka Blvd., Topeka, 66612-1601, (785) 234-0500. Bids are due by 3 p.m. October 11. All companies and/or property owners are encouraged to bid.

Nancy Miller
Administrative Assistant

Doc. No. 024345

State of Kansas**Pooled Money Investment Board****Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 9-27-99 through 10-3-99

Term	Rate
1-89 days	5.22%
3 months	4.93%
6 months	5.08%
9 months	5.21%
12 months	5.34%
18 months	5.55%
24 months	5.56%

Derl S. Treff
Director of Investments

Doc. No. 024334

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State of Kansas

Legislature Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 4 through October 17:

Date	Room	Time	Committee	Agenda
October 4	519-S	10:00 a.m.	Legislative Post Audit	Legislative matters.
October 5	519-S	9:00 a.m.		
October 5	123-S	10:00 a.m.	Special Committee on	5th: a.m. - Committee review of
October 6	123-S	9:00 a.m.	Judiciary	Topics #1, #2, #3, #5, #6, #7 and #8. p.m. - Hearings on Topics #9 - Kansas Citizens Justice Initiatives. 6th: Hearings on Topic #4, Article #9 - UEC Changes.
October 6	514-S	10:00 a.m.	Special Committee on	6th: Topic #7 - Assessed Value
October 7	514-S	9:00 a.m.	Assessment and Taxation	Caps and Sales-Ratio Study; info. on new sales tax processing system; Topic #5 - draft committee report re: contractors; Topic #1 - additional info. on tax relief for the poor. 7th: Topic #4 - Dept. of Commerce re: how tax credits are assigned; Topic #8 - possible final decisions re: hotels; Topic #9 - additional info. from the Dept. of Revenue re: farm insurance.
October 6	519-S	10:00 a.m.	Special Committee	6th: Various presentations on
October 7	519-S	9:00 a.m.	on Agriculture	alternatives for agricultural profitability; dialogue with the German Parliament. 7th: Continuation of presentations on alternatives for agricultural profitability; dialogue of representation of U.S. EPA and Dow AgriSciences on the Food Quality Protection Act and the restrictions on the use of pesticides.
October 11	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
October 12	514-S	9:00 a.m.	Rules and Regulations	
October 12	123-S	10:00 a.m.	Legislative Educational	Agenda not available.
October 13	123-S	9:00 a.m.	Planning Committee	
October 12	519-S	9:00 a.m.	Task Force on Providers of Mental Health Services	Agenda not available.
October 12	526-S	10:00 a.m.	Joint Committee on Pensions and Investments	Agenda not available.
October 13	526-S	9:00 a.m.		
October 13	313-S	10:00 a.m.	Joint Committee on	Agenda not available.
October 14	313-S	9:00 a.m.	Children's Issues	
October 13	522-S	10:00 a.m.	Joint Committee on Information Technology	Review of agency technology plans and budgets.
October 14	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
October 14	Cancelled		Joint Committee on State-Tribal Relations	
October 15				
October 14	526-S	10:00 a.m.	Special Committee on	Agenda not available.
October 15	526-S	9:00 a.m.	Environment	
October 14	531-N	10:00 a.m.	Special Committee on the	Agenda not available.
October 15	531-N	9:00 a.m.	Organization and Structure of the State Historical Society	
October 15	514-S	10:00 a.m.	Health Care Reform Legislative Oversight Committee	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's web-site at www.kssos.org. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

**All Sports Hall of Fame
Board of Trustees**

June Ann Bloskey, 219 W. 20th, Hutchinson, 67502. Term expires April 30, 2002. Succeeds Rocky Rorabaugh, resigned.

Bill Hougland, 504 Canyon Drive, Lawrence, 66049. Term expires April 30, 2003. Succeeds James Maag.

Barry L. Schwan, 711 N. Linden Court, Wichita, 67206. Term expires April 30, 2003. Succeeds Nelson Hartman.

Commission on Autism

(Members serve at the pleasure of the Governor.)

Sarah P. Bommarito, 407 S. Pershing, Wichita, 67218. Succeeds Thomas Stafford, resigned.

Carol Dermeyer, 120 S.E. 10th Ave., Topeka, 66612. Succeeds Judith Cutsinger.

Shirley G. Erickson, 5834 Sunrise Drive, Shawnee Mission, 66205. Reappointed.

Lew Faust, Chair, 1621 Jody Lane, McPherson, 67460. Reappointed.

Rebecca L. Flaton, 3604 Gabriel, #124, Parsons, 67357. Reappointed.

Ronald J. Green, Office of the Governor, Room 265-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Succeeds Cindy Barth.

Yeyette Houfek, 1338 Grand St., Hays, 67601. Succeeds Phyllis Young.

Theresa L. Keeton, 6909 Parkhill Court, Shawnee Mission, 66216. Succeeds Frank Vaughters, resigned.

Dr. Lorraine I. Michel, 203 Concord Road, Lawrence, 66049. Reappointed.

Dr. Brenda Smith Myles, 11400 W. 155th Terrace, Shawnee Mission, 66221. Succeeds Donna Whiteman.

Renee Norman, 2113 Delaware, Lawrence, 66046. Reappointed.

Dr. Matt Reese, 3901 Rainbow Blvd., Kansas City, KS 66160. Reappointed.

Mary Schlyer, 4007 Old Salem, Hutchinson, 67502. Succeeds Mirah Dow.

Trisha Self, 1845 Fairmount, Wichita, 67260. Succeeds Lynne Bourne.

Dr. Stephen F. Stein, P.O. Box 173, Claflin, 67525. Reappointed.

**Kansas Law Enforcement
Training Commission**

Lt. Joseph T. Gimar, 1510 Willow Road, Hutchinson 67502. Term expires July 1, 2002. Succeeds Trey Owston, resigned.

Board of Veterinary Medical Examiners

Dr. William L. Brown, 4255 Redbud Drive, Wamego, 66547. Term expires June 30, 2003. Reappointed.

Dr. Verne E. Otte, 210 W. 121st St., Shawnee Mission, 66209. Term expires June 30, 2003. Succeeds Steven Mosier.

Ron Thornburgh
Secretary of State

Doc. No. 024351

State of Kansas

Board of Technical Professions

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 1:30 p.m. Friday, December 10, in Conference Room 108-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Board of Technical Professions.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Board of Technical Professions, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Betty Rose at (785) 296-3053.

There is no anticipated economic impact on the Board of Technical Professions, other governmental agencies or the public.

The following is a brief summary of the substance of the proposed regulations:

Article 6

K.A.R. 66-6-4. Rules of professional conduct. This regulation has been modified to add "geologist" in the rules of professional conduct.

K.A.R. 66-6-6. Renewal of licenses and certificates of authorization. This regulation has been modified to include geologists in the renewal of licenses and certificates of authorization.

Article 7

K.A.R. 66-7-2. Application for certificate of authori-

zation. This regulation is being modified to eliminate the requirement for a foreign corporation to obtain a certificate of good standing and a copy of the most recent annual report filed with the state of domicile of the corporation. The regulation also is being modified to eliminate the requirement for a domestic corporation to provide a copy of the most recent annual report filed with the Kansas Secretary of State.

Article 8

K.A.R. 66-8-7. Geology examinations. This is a new regulation stating the examination requirement for geologists.

Article 9

K.A.R. 66-9-4. Engineering curriculum approved by the board. This regulation has been modified for clarification.

K.A.R. 66-9-6. Geology curriculum approved by the board. This is a new regulation stating the education requirement for geologists.

Article 10

K.A.R. 66-10-12. Surveying experience of a character satisfactory to the board. This regulation is being modified to require land surveying applicants to have three references from licensed land surveyors or professional engineers who are familiar with the applicant's land surveying experience, and one of which must be a licensed land surveyor.

K.A.R. 66-10-13. Geology experience of a character that is satisfactory to the board. This is a new regulation describing the experience requirements for applicants to be licensed as geologists.

Article 11

K.A.R. 66-11-4. Admission requirements for fundamentals of geology examination. This is a new regulation explaining the requirements to take the fundamentals of geology examination.

Article 12

K.A.R. 66-12-1. Minimum standards for the practice of land surveying. This adoption of a document by reference has been updated to the current version of the publication.

Article 14

K.A.R. 66-14-1. Requirements. This regulation is being modified to include geologists in the requirement to obtain continuing education beginning with the 2003 renewal cycle.

K.A.R. 66-14-6. Exemptions. This is a modification to the existing regulation that would require licensees who were exempted from the continuing education requirements due to a physical disability, illness or other extenuating circumstances to obtain continuing education before returning to active practice.

Copies of the full text of the regulations and the fiscal impact statements may be obtained by contacting the Board of Technical Professions.

Betty L. Rose
Executive Director

Doc. No. 024341

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, October 14, in the conference room in the offices of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amounts. Each bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. Each project shall be located as shown:

Project No. 000423, Maximum Principal Amount: \$51,776.65. Owner/Operator: Jeff and Vicky Williams. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Southeast Quarter of Section 32, Township 17, Range 6, Ellsworth County; approximately 6.5 miles east of Geneseo.

Project No. 000424, Maximum Principal Amount: \$200,000. Owner/Operator: Michael T. Myers. Description: Acquisition of 155 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed for William R. and Patricia J. Weaver and is located at the Northeast Quarter of Section 1, Township 15 South, Range 18 East of the 6th P.M., less that portion conveyed for highway purposes, Book 130, Page 545; Douglas County; approximately 10 miles south and 4 miles west of Lawrence on Highway 56.

Each bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. Each bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on each bond when it shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the projects may be obtained by contacting the Authority.

Any individual affected by any of the above-described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Kenneth Frahm
President

Doc. No. 024343

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. October 19 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Renoticed Application for Certificate of Public Service:

Brad L. Zimmerman, dba Zimmerman Trucking, Route 1, Box 144, Mullinville, KS 67109; MC ID No. 156794; General commodities (except household goods and hazardous materials).

Applications for Certificate of Public Service:

Ag Connection Sales, Inc., Route 1, Box 86A, Seneca, KS 66538; MC ID No. 140282; Stephen Boyda, Attorney; General commodities (except household goods and hazardous materials).

Douglas W. Brockman, dba Brockman Trucking, 317 N. Arapahoe, Grand Island, NE 68803; MC ID No. 156957; General commodities (except household goods).

Ralph Cure, 03 Navajo Drive, Grand Island, NE 68803; MC ID No. 155416; General commodities (except household goods and hazardous materials).

Diamond Transportation Services, Inc., 8301 N.W. 101st Terrace, Suite 10, Kansas City, MO 64153; MC ID No. 157337; General commodities (except household goods and hazardous materials).

Johnson Grain, Inc., Hwy. 54 East, Nevada, MO 64772; MC ID No. 157338; John Jordan, Attorney; General commodities (except household goods and hazardous materials).

Gary C. Palmer, dba Automotive Rebuilders, 1214 E. 4th, Pittsburg, KS 66762; MC ID No. 157321; Wrecked, disabled, repossessed and replacement vehicles.

Dustin Peck, dba Dustin Limousine, 10400 Reeds, Overland Park, KS 66207; MC ID No. 157339; General commodities (except household goods and hazardous materials).

Tim Schmidtberger, dba 3-A Trucking, 933 Vincent Road, Victoria, KS 67671; MC ID No. 157340; General commodities (except household goods).

Darin Wiley, dba DW Trucking, 733 Hillside Drive, Chapman, KS 67431; MC ID No. 157612; General commodities (except household goods and hazardous materials).

Application for Certificate of Convenience and Necessity:

Air Capitol, Inc., 20411 W. 13th, Goddard, KS 67052; MC ID No. 151131; Wayne Schez, Attorney; General commodities (except hazardous materials).

Application for Abandonment of Certificate of Public Service:

Gordon L. Schmidt, dba Heartland Enterprises, 220 4th S Burlington, CO 80807; MC ID No. 153420.

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 024349

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. Responses must be received by 5 p.m. October 20 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

Project No. 283-33 K-5770-01

Graham County

The scope of improvement is to provide for the reconstruction of US-283 from the curb and gutter in Hill City, north 21.7 km to the Graham-Norton county line. The surveys have been completed by KDOT. All bridge designs will be completed by KDOT. The project is scheduled for plan completion in March 2003 and the construction estimate is \$12,649,000.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

- size and professional qualifications;
- experience of staff;
- location of firm with respect to proposed project;
- work load of firm; and
- firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 024330

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Wichita Airport Hilton, Wichita, until 2 p.m. October 20, and then publicly opened:

District One—Northeast

Leavenworth—52 C-3327-01—County road 1.1 miles (1.7 kilometers) south and 0.8 mile (1.3 kilometers) west of Lansing, 0.12 mile (0.2 kilometer), grading and bridge. (Federal Funds)

Leavenworth—52 C-3531-01—County road at the east edge of Lansing, 0.3 mile (0.5 kilometer), grading, bridge and surfacing. (Federal Funds)

District Two—Northcentral

Chase—50-9 K-7749-01—U.S. 50 from the junction of K-150 northeast to the west city limits of Strong City, 7.7 miles (12.5 kilometers), concrete pavement. (State Funds)

Chase—177-9 K-6441-02—K-177 scenic overlook south of Cottonwood Falls, scenic overlook improvements. (Federal Funds)

Ellsworth—156-27 K-5750-01—K-156 from the Barton-Ellsworth county line northeast to the east city limits of Holyrood, 5 miles (8 kilometers), grading, bridge and surfacing. (Federal Funds)

Ellsworth—156-27 M-1923-01—K-156, 1 mile (1.6 kilometers) south of Ellsworth, stockpile bituminous material. (State Funds)

Ellsworth—14-27 M-1924-01—K-14 north of I-70, stockpile bituminous material. (State Funds)

Ellsworth—156-27 K-7524-01—K-156 from the east city limits of Holyrood northeast to the junction of K-140, 15 miles (24.1 kilometers), overlay. (State Funds)

Ellsworth—27 K-2494-04—Kanopolis State Park, road improvements. (State Funds)

Ellsworth-Lincoln-Russell—106 K-7796-01—K-18 from the east junction of U.S. 281 east to the Russell-Lincoln county line; K-176 from the north city limits of Lucas north to the junction of K-18; K-232 from the Lincoln-Russell county line west and north to the junction of K-18; K-232 from the old junction of U.S. 40 north to the Ellsworth-Lincoln county line; K-232 from the Ellsworth-Lincoln county line north to the Lincoln-Russell county line; U.S. 281 from the west junction of K-18 east to the east junction of K-18, 39.3 miles (63.2 kilometers), overlay. (State Funds)

Mitchell—62 K-1315-07—Glen Elder State Park, road improvements. (State Funds)

Jewell—45 K-1804-04—Lovewell State Park, road improvements. (State Funds)

Lincoln—53 C-3532-01—County road 4 miles (6.4 kilometers) east of Sylvan Grove, 0.3 mile (0.5 kilometer), grading and bridge. (Federal Funds)

Lincoln—53 C-3507-01—County road 0.15 mile (0.25 kilometer) south of Shady Bend then north 0.12 mile (0.2 kilometer), grading and bridge. (Federal Funds)

Lincoln—284-53 K-7529-01—K-284 from the junction of K-14 east to the west city limits of Barnard, 5.6 miles (9 kilometers), sealing. (State Funds)

Lincoln—181-53 M-1922-01—K-181, 1 mile (1.6 kilometers) south of the junction of K-18, stockpile bituminous material. (State Funds)

McPherson—260-59 K-7518-01—K-260 from the south junction of I-135 west to the north junction of I-135, 3.6 miles (5.8 kilometers), overlay. (State Funds)

McPherson—59 K-7790-01—K-153 from the junction of K-61 north to the south city limits of McPherson; K-193S from the junction of K-61 northeast to the junction of K-153; U.S. 81A from the junction of K-61 north to the south city limits of McPherson, 5.4 miles (8.7 kilometers), overlay. (State Funds)

Mitchell—62 K-7787-01—U.S. 24 from the junction of K-14 east to the Mitchell-Cloud county line; K-193 from Asherville north to the junction of U.S. 24; K-14 from the Lincoln-Mitchell county line north to the south city limits of Beloit, 16.7 miles (27 kilometers), overlay. (State Funds)

Ottawa—41-72 K-7530-01—K-41 from the east city limits of Delphos east to the west city limits of Barnard, 5.6 miles (8 kilometers), sealing. (State Funds)

Ottawa—18-72 M-1925-01—K-18, 2 miles (3.2 kilometers) southwest of Bennington, stockpile bituminous material. (State Funds)

Ottawa-Salina—81-106 K-7793-01—U.S. 81 from the Saline-Ottawa county line north to 1.3 miles (2.1 kilometers) south of the junction of K-106; U.S. 81 from the junction of I-70 north to the Saline-Ottawa county line, 16 miles (25.8 kilometers), milling and overlay. (State Funds)

Republic—81-79 K-5022-03—U.S. 81, 3.2 miles (5.5 kilometers) northeast of U.S. 36 north to 0.5 mile (0.8 kilometer) south of the Kansas-Nebraska state line, 10.2 miles (16.4 kilometers), grading and bridge. (Federal Funds)

District Three—Northwest

Ellis—70-26 K-6466-01—I-70 from the Trego-Ellis county line east to the junction of U.S. 183, 13.9 miles (22.3 kilometers), surfacing and bridge. (State Funds)

Graham-Norton—106 K-7797-01—U.S. 24, 0.4 kilometer west of east city limits of Hill City east to the junction of K-18; U.S. 283, 0.2 kilometer south of the north city limits of Hill City north to the Graham-Norton county line; U.S. 283 from the Graham-Norton county line northwest to the west junction of K-9, 28 miles (44.9 kilometers), overlay. (State Funds)

Logan—83-55 K-7548-01—U.S. 83 from the Scott-Logan county line north 14.2 miles (22.9 kilometers), overlay. (State Funds)

Norton—69 K-2833-03—Prairie Dog State Park, road improvements. (State Funds)

Smith—92 C-3560-01—County road 2.2 miles (3.5 kilometers) east of Cedar, 0.2 mile (0.32 kilometer), grading and bridge. (Federal Funds)

Thomas-Logan—25-106 K-7798-01—K-25 from the east junction of U.S. 40 north to the Logan-Thomas county line; K-25 from the Logan-Thomas county line north to the south city limits of Colby; K-25 from the north city

(continued)

limits of Colby north to the Thomas-Rawlins county line, 29.3 miles (47.1 kilometers), overlay. (State Funds)

Wallace—27-100 K-7799-01—K-27 from the Greeley-Wallace county line north to the west junction of U.S. 40; K-27 from the east junction of U.S. 40 north to the Wallace-Sherman county line, 30.7 miles (49.5 kilometers), overlay. (State Funds)

Phillips-Smith—36-106 K-7800-01—U.S. 36 from the east city limits of Phillipsburg east to the Phillips-Smith county line; U.S. 36 from the Phillips-Smith county line east to 0.3 mile (0.5 kilometer) east of the east city limits of Smith Center, 29.5 miles (47.5 kilometers), overlay. (State Funds)

District Four—Southeast

Crawford—57-19 K-6314-01—K-57 culvert 534, 1.1 miles (1.8 kilometers) east of the K-7 junction, bridge repair. (State Funds)

Elk—160-25 K-6315-01—U.S. 160 culverts 2.1 miles (3.4 kilometers) west and 0.7 mile (1.1 kilometers) east of K-99, bridge repair. (State Funds)

Labette—59-50 K-7849-01—U.S. 59 bridge 0.7 mile (1.2 kilometers) north of U.S. 400, bridge repair. (State Funds)

District Five—Southcentral

Barber—160-4 K-7594-01—U.S. 160 from the east city limits of Medicine Lodge east to the Barber-Harper county line, 13.1 miles (21.2 kilometers), overlay. (State Funds)

Barton—281-5 K-7569-01—U.S. 281 from the west junction of K-4 north to the Barton-Russell county line, 11.1 miles (17.8 kilometers), overlay. (State Funds)

Barton—4-5 M-1915-01—K-4 KDOT mixing strip 0.5 mile (0.8 kilometer) west of the west junction of U.S. 281, stockpile bituminous material. (State Funds)

Barton-Rice—56-106 K-7810-01—U.S. 56 from the west city limits of Ellinwood east to the Barton-Rice county line; U.S. 56 from the Barton-Rice county line east to the west city limits of Lyons, 20.3 miles (32.6 kilometers), overlay. (State Funds)

Kiowa—49 C-3568-01—County road 0.25 mile (0.4 kilometer) northwest of Belvidere, 0.22 mile (0.35 kilometer), grading and bridge. (Federal Funds)

Pawnee—73 C-2794-01—County road 7.2 miles (11.6 kilometers) east and 3.3 miles (5.3 kilometers) north of Larned then east 0.5 mile (0.9 kilometer), grading and bridge. (Federal Funds)

Rice—56-80 M-1914-01—U.S. 56 KDOT mixing strip 0.5 mile (0.8 kilometer) east of Lyons, stockpile bituminous material. (State Funds)

Sedgwick—87 N-0099-01—Maple and Seneca streets in Wichita, intersection improvement. (Federal Funds)

District Six—Southwest

Clark—160-13 K-7601-01—U.S. 160 from the south junction of U.S. 283 east to the Clark-Comanche county line, 23.4 miles (37.7 kilometers), overlay. (State Funds)

Clark—160-13 M-1920-01—U.S. 160 KDOT mixing strip along U.S. 160 east of Ashland, stockpile bituminous material. (State Funds)

Finney—156-28 K-7605-01—K-156 from 0.4 mile (0.7 kilometer) northeast of the junction of U.S. 50/83 northeast to the west junction of K-23, 21.7 miles (34.9 kilometers), overlay. (State Funds)

Finney—156-28 M-1921-01—KDOT mixing strip along K-156 northeast of Garden City, stockpile bituminous material. (State Funds)

Finney—28 K-7816-01—U.S. 50B from the east city limits of Garden City east to the junction of U.S. 400; U.S. 83, 0.5 mile (0.8 kilometer) northeast of the U.S. 83B junction northeast to the end of the concrete pavement; U.S. 83B, 0.6 mile (0.9 kilometer) northwest of the U.S. 83 junction northwest to the Arkansas River, 4.2 miles (6.8 kilometers), overlay. (State Funds)

Gray—56-35 K-7609-01—U.S. 56 from the Haskell-Gray county line east to the west city limits of Ensign, 23.8 miles (38.4 kilometers), overlay. (State Funds)

Haskell—83-41 K-7610-01—U.S. 83 from the north junction of U.S. 160 north to the Haskell-Finney county line, 12 miles (19.4 kilometers), overlay. (State Funds)

Haskell—83-41 M-1916-01—KDOT mixing strip along U.S. 83 north of the U.S. 56 junction, stockpile bituminous material. (State Funds)

Kearny—47 K-7815-01—K-25 from the junction of U.S. 50 north to the Kearney-Wichita county line; U.S. 50 from the west city limits of Lakin east to the Kearny-Finney county line, 32.5 miles (52.4 kilometers), overlay. (State Funds)

Kearny—25-47 M-1918-01—KDOT mixing strip along K-25 north of the U.S. 50 junction, stockpile bituminous material. (State Funds)

Lane—96-51 M-1917-01—KDOT mixing strip along K-96, 1 mile (1.6 kilometers) west of Dighton, stockpile bituminous material. (State Funds)

Meade—54-60 K-7615-01—U.S. 54 from the south city limits of Plains east to the west city limits of Meade, 13.7 miles (22.1 kilometers), slurry seal. (State Funds)

Ness-Lane-Scott—4-106 K-7814-01—K-4 from the Scott-Lane county line east to the Lane-Ness county line; K-4 from the Lane-Ness county line east to the junction of U.S. 283; K-4 from the junction of U.S. 83 east to the Scott-Lane county line, 5.1 miles (8.7 kilometers), overlay. (State Funds)

Seward—54-88 M-1884-01—U.S. 54 safety rest area southwest of Kismet, safety rest area improvements. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any

collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson
Secretary of Transportation

Doc. No. 024350

(Published in the Kansas Register September 30, 1999.)

Summary Notice of Bond Sale

City of Newton, Kansas

\$2,125,000

General Obligation Bonds, Series 1999

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated September 14, 1999, sealed bids will be received by the clerk of the City of Newton, Kansas (the issuer), on behalf of the governing body at City Hall, 201 E. 6th, P.O. Box 426, Newton, KS 67114, until 6:30 p.m. October 12, 1999, for the purchase of \$2,125,000 principal amount of General Obligation Bonds, Series 1999. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 1, 1999, and will become due on September 1 in the years as follows:

Year	Principal Amount
2000	\$ 90,000
2001	100,000
2002	105,000
2003	110,000
2004	115,000
2005	120,000
2006	125,000
2007	130,000
2008	135,000
2009	145,000
2010	155,000
2011	165,000
2012	170,000
2013	180,000
2014	185,000
2015	15,000
2016	20,000

2017	20,000
2018	20,000
2019	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2000.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$42,500 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about November 10, 1999, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$86,510,002. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$7,465,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 284-6001, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated September 14, 1999.

City of Newton, Kansas

Doc. No. 024337

State of Kansas

Board of Regents

Notice of Commencement of Negotiations
for Collection Services

Pursuant to K.S.A. 1998 Supp. 76-745, the State Board of Regents has convened a negotiating committee to select one or more parties to provide collection services for the board and the state educational institutions under its jurisdiction. Parties interested in submitting proposals should contact Cindy A. Bontrager, Associate Director for Budget, Kansas Board of Regents, 700 S.W. Harrison, Suite 1410, Topeka, 66603, (785) 296-3423.

Mary D. Prewitt
Associate General Counsel

Doc. No. 024352

(Published in the Kansas Register September 30, 1999.)

Redemption Notice

City of Kansas City, Kansas
Water & Electric Light Plant Revenue Bonds
Series 1976A

Due November 1, 2006
CUSIP Number 484800 KMB

Notice is hereby given that, pursuant to Section 2 of Ordinance No. 55543 of the City of Kansas City, Kansas, passed on November 9, 1976, \$1,390,000 principal amount of the bonds are being called for redemption on November 1, 1999, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The certificate numbers of the bonds to be partially or fully redeemed in the amounts described below are as follows:

Bearer bonds called in denomination of \$5,000 each:

3703	3710	3832	5241	5348	5367	5452	5454	5456	5465	5467
5479	5497	5501	5515	5528	5532	5560	5574	5580	5599	

Coupons due subsequent to November 1, 1999, must be attached to bonds called for redemption.

Registered bonds called in the amounts indicated below all
with the prefix "B":

43.....\$30,000	51.....\$10,000	58.....\$10,000	64.....\$10,000	69.....\$10,000
78.....5,000	84.....5,000	92.....5,000	98.....5,000	108.....20,000
114.....15,000	126.....10,000	131.....15,000	148.....10,000	176.....5,000
180.....5,000	190.....15,000	191.....480,000	192.....475,000	193.....145,000

Payment of the redemption price of the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66101. To avoid a 31 percent backup withholding required by the Interest and Dividend Tax Compliance Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after November 1, 1999, interest on the bonds hereby called for redemption shall cease to accrue.

Dated September 30, 1999.

By: Security Bank of Kansas City
Kansas City, Kansas
Registrar and Paying Agent

Doc. No. 024336

State of Kansas

Board of Regents

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, November 30, in the offices of the State Board of Regents; Security Benefit Building, Suite 1410, 700 S.W. Harrison, Topeka, to consider the adoption of new regulations K.A.R. 88-23-1, 88-23-2, 88-23-3, 88-23-4, 88-23-5 and 88-23-6, and the revocation of 91-18-24, 91-18-27, 91-18-29, 91-18-34 and 91-18-40.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the State Board of Regents, 700 S.W. Harrison, Suite 1410, Topeka, 66603-3760. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Mary Prewitt at (785) 296-3689 or (800) 766-3777 (Kansas Relay Center). A handicapped parking stall is located in the Security Benefit parking lot north of the building. An access ramp is available at the front of the building and security staff are on site to assist those needing help to enter.

These regulations implement 1998 legislative amendments to K.S.A. 72-4916 *et seq.*, the Kansas Proprietary School Act, and 1999 legislative amendments to K.S.A. 72-4919, which transferred oversight of the proprietary schools from the State Board of Education to the State Board of Regents. A summary of the proposed new regulations and their economic impact follows.

88-23-1. Definitions. This regulation specifies the definition of terms relating to the administration of an approved proprietary school in Kansas. These definitions are essential to providing an understanding of the subsequent regulations.

88-23-2. Minimum standards. This regulation provides the minimum standards for a school to receive approval. It allows schools with national accreditation to be accepted upon the basis of their national accreditation.

88-23-3. Certificate of approval. This regulation sets out the procedure by which a proprietary school applies for and obtains a certificate of approval from the board. Its purpose is to clarify procedures and requirements and is required to inform both the new and the renewing applicant of necessary documentation.

88-23-4. Registration of representative. This regulation describes the procedure to register an individual to act as a representative of a school and provides a description of the certificate a representative will receive.

88-23-5. Exempt schools; avocational or recreational programs. This regulation provides the means for an en-

tity to request exemption from K.S.A. 72-4916 *et seq.* and sets forth the necessary documentation to apply for the exemption.

88-23-6. Student records upon school closure. This regulation specifies the requirement for a closed school to turn records over to the state.

None of the above new regulations are federally mandated, and there is no anticipated economic impact to state agencies, employees or the general public. Proprietary schools will be impacted by the requirement in 88-23-3 that a CPA prepare financial statements and by the requirement to furnish a bond. Proposed regulation 88-23-4 discontinues a previous requirement to furnish a bond for school representatives. Likewise, the Kansas Board of Education regulations that are proposed to be revoked will have no significant economic impact on state agencies, employees or the general public.

Copies of the proposed new and revoked regulations and the economic impact statements may be obtained by contacting Mary Prewitt, Associate General Counsel, State Board of Regents.

Mary D. Prewitt
Associate General Counsel

Doc. No. 024353

(Published in the Kansas Register September 30, 1999.)

**Summary Notice of Sale
City of Hutchinson, Kansas
\$3,060,000**

**General Obligation Bonds, Series 1999-C
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of sale dated September 29, 1999, sealed bids will be received by the city clerk of the City of Hutchinson, Kansas, on behalf of the governing body at City Hall, 125 E. Ave. B, Hutchinson, KS 67501, until 10 a.m. October 12, 1999, for the purchase of \$3,060,000 principal amount of General Obligation Bonds, Series 1999-C. No bid of less than the entire par value of the bonds, except a discount of not greater than .50 percent of the final par value of the bonds, and accrued interest to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1999, and will become due on October 1 in the years as follows:

Maturity October 1	Principal Amount
2000	\$ 75,000
2001	190,000
2002	250,000
2003	315,000
2004	205,000
2005	150,000
2006	105,000
2007	255,000
2008	515,000

2009	800,000
2010	15,000
2011	15,000
2012	15,000
2013	20,000
2014	20,000
2015	20,000
2016	20,000
2017	25,000
2018	25,000
2019	25,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2000.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of 2 percent of the final principal amount of the bonds.

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about October 28, 1999, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$207,763,185. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$28,025,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (316) 694-2613, or from bond counsel, Logan Riley Carson & Kaup, 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated September 23, 1999.

City of Hutchinson, Kansas
By Ross Vander Hamm
City Hall
125 E. Ave. B
Hutchinson, KS 67501

Doc. No. 024347

(Published in the Kansas Register September 30, 1999.)

**Summary Notice of Bond Sale
City of Haysville, Kansas
\$2,161,000**

General Obligation Bonds, Series 1999

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated September 13, 1999, sealed bids will be received by the clerk of the City of Haysville, Kansas (the issuer), on behalf of the governing body at City Hall, 200 W. Grand, P.O. Box 404, Haysville, KS 67060-0404, until 6:30 p.m. October 11, 1999, for the purchase of \$2,161,000 principal amount of General Obligation Bonds, Series 1999. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,000. The bonds will be dated November 1, 1999, and will become due on November 1 in the years as follows:

Year	Principal Amount
2000	\$ 96,000
2001	105,000
2002	110,000
2003	115,000
2004	120,000
2005	125,000
2006	135,000
2007	140,000
2008	150,000
2009	155,000
2010	165,000
2011	175,000
2012	180,000
2013	190,000
2014	200,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2000.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$43,220 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about November 10, 1999, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$34,525,280. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$5,391,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 524-3243, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated September 13, 1999.

City of Haysville, Kansas

Doc. No. 024338

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Environment, Bureau of Air and Radiation, will conduct a public hearing at 11 a.m. Thursday, December 2, in the Kansas City-Wyandotte County Health Department auditorium, 619 Ann Ave., Kansas City, Kansas, to consider the adoption of proposed new air quality regulation K.A.R. 28-19-717, control of emissions from commercial bakery ovens. This proposed new regulation establishes the state's air emissions standards for commercial bakeries in Johnson and Wyandotte counties that have the potential-to-emit greater than 100 tons of volatile organic compounds (VOC). A summary of the proposed new regulation follows.

The department is proposing to adopt K.A.R. 28-19-717 to control emissions of VOCs from commercial bakery ovens within the Kansas portion of the Kansas City Metropolitan Ozone Planning Area (KCMA), specifically Johnson and Wyandotte counties, that have the potential-to-emit greater than 100 tons of VOCs. This regulation is necessary to meet the state's existing obligations under

the KCMA Ozone Maintenance Plan provisions of the state's air quality implementation plan. Specifically, the state is required to adopt control regulations for existing major sources not currently limited by regulations. The KCMA, which includes the two counties in Kansas and three counties in Missouri, was redesignated from non-attainment to attainment for the national ambient air quality standard (NAAQS) for ozone in 1992. As a result of a violation of the ozone standard during the summer of 1995, the state is implementing several contingency measures to reduce emission of VOCs, including this new regulation.

Volatile organic compounds are considered to be a primary ozone precursor. Ozone precursors are compounds that assist in or accelerate the formation of ozone in the lower atmosphere (troposphere). Reductions of the level of emissions of VOCs that this rule will achieve, in conjunction with reductions resulting from other measures, should materially aid in maintaining the level of tropospheric ozone in the area in compliance with the NAAQS.

At this time, only one existing facility would be affected by this proposed regulation. This affected facility has provided its estimate of the capital and annual compliance costs necessary to meet the requirements of the new regulation. These costs are estimated to be \$817,250 for capital costs, and annual costs of \$265,992.09, with a cost per ton of VOC removed equal to \$2,995.47. No additional economic impact is expected upon the regulated community, the public, or the agency from these amendments.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Ralph J. Kieffer, Kansas Department of Health and Environment, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed regulation and the economic impact and environmental benefit statements may be obtained by contacting Ralph J. Kieffer at (785) 296-6428. Questions pertaining to these proposed amendments should be directed to Ralph J. Kieffer or Chuck Layman, (785) 296-1579.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rob Bradford at (785) 296-1587.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024342

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information.

Tuesday, October 12, 1999

#00057

Variable pressure scanning electron microscope

William H. Sesler
Director of Purchasing

Doc. No. 024335

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, October 11, 1999

584

All Agencies of the State of Kansas—
Telecommunications equipment

Wednesday, October 13, 1999

606

Department of Health and Environment—Inductively coupled Argon plasma mass spectrometer

597

University of Kansas Medical Center—Digital color copier/printer system

Thursday, October 14, 1999

607

Department of Social and Rehabilitation Services—
Security guard services

Tuesday, October 19, 1999

A-8887-Rebid

Fort Hays State University—Reroof Martin Allen Hall

Thursday, October 21, 1999

A-8813

School for the Deaf—Chlorination/piping system modification, Brighton Building

A-8886

Norton Correctional Facility—Exterior wall repair, Staff Development Building

A-8909

Fort Hays State University—Air conditioning improvements, Memorial Union

(continued)

Tuesday, October 26, 1999

A-8864

School for the Deaf—Chlorination/piping system
modification, Taylor Gym

Request for Proposals

Thursday, October 14, 1999

609

Imaging equipment hardware maintenance and
services for the Department of Revenue

Thursday, October 28, 1999

603

Student financial aid software system for Emporia
State University and Fort Hays State University

Tuesday, November 2, 1999

573

Foster care/reintegration program for the Department
of Social and Rehabilitation Services

Wednesday, November 3, 1999

571

Adoption services for the Department of Social and
Rehabilitation Services

Thursday, November 4, 1999

570

Family preservation for the Department of Social and
Rehabilitation Services

John T. Houlihan
Director of Purchases

Doc. No. 024354

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-99-140/147

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant

Spring Creek Farms
HC 1, Box 17
Ogallah, KS 67656

Legal Description

NW/4 of Section 7,
T12S, R22W,
Trego County

Receiving Water

Smoky Hill River

Kansas Permit No. A-SHTR-S006

This is a renewal of an existing permit for 100 head (40 animal units) of swine weighing over 55 pounds each and 400 head (40 animal units) of swine weighing less than 55 pounds each.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed, within three months of the effective date of the permit, and will become part of the permit.

Name and Address of Applicant

Riedel Feedyard
Don Riedel
Route 2, Box 14G
WaKeeney, KS 67672

Legal Description

NE/4 of Section 27,
T12S, R23W,
Trego County

Receiving Water

Smoky Hill River

Kansas Permit No. A-SHTR-B001

This is a renewal of an existing permit for 800 head (800 animal units) of beef cattle weighing greater than 700 pounds each.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed, within three months of the effective date of the permit, and will become part of the permit. If at any time a discharge occurs from the retention structure, the lagoon will be required to be enlarged to meet or exceed the storage requirements.

Name and Address of Applicant

Elden Long and Sons
Feedlot
Route 1, Box 123
Norcatur, KS 67653

Legal Description

NE/4 of Section 4,
T3S, R27W,
Decatur County

Receiving Water

Upper Republican River

Kansas Permit No. A-URDC-B001

This is a renewal of an existing permit for a maximum of 980 head (980 animal units) of beef cattle weighing greater than 700 pounds each.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed, within three months of the effective date of the permit, and will become part of the permit.

Name and Address of Applicant

W & S Ranch, Inc.
Michael B. Weltmer
Route 3, Box 1B
Smith Center, KS 66967

Legal Description

NE/4 of Section 3,
T4S, R13W,
Smith County

Receiving Water

Solomon River

Kansas Permit No. A-SOSM-H001 Federal Permit No. KS-0118371

This is a renewal of an existing permit for a maximum of 2,000 head (800 animal units) of swine weighing over 55 pounds each.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed, within three months of the effective date of the permit, and will become part of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Cecil W. Lambert Route 2, Box 129 Smith Center, KS 66967	NE/4 of Section 26, T1S, R13W, Smith County	Solomon River

Kansas Permit No. A-SOSM-S007

This is a renewal of an existing permit for a maximum of 500 head (200 animal units) of swine weighing more than 55 pounds each.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed, within three months of the effective date of the permit, and will become part of the permit. Dewatering equipment shall be obtained within 60 days of the effective date of the permit through purchase, rental or custom application agreement. All trees growing within 100 feet of the earthen retention structure must be removed before the waste management system is utilized.

Name and Address of Applicant	Legal Description	Receiving Water
Jerry C. Beachy 8809 S. Whiteside Road Hutchinson, KS 67501	NE/4 of Section 19, T24S, R6W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M037

This is a permit modification for a new facility for 80 head (112 animal units) of mature dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The approved waste management plan shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mike Bellar Route 1, Box 81 Howard, KS 67349	SW/4 of Section 2 & NW/4 of Section 11, T30S, R10E, Elk County	Verdigris River

Kansas Permit No. A-VEEK-S004

This is an expansion of an existing facility from 2,000 (800 animal units) to 2,400 head (960 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Randy Fanshier Route 2, Box 51B Great Bend, KS 67530	W/2 of Section 4, T21S, R13W, Stafford County	Upper Arkansas River Basin

Kansas Permit No. A-UASF-H001 Federal Permit No. KS-0095281

This is a new permit for a new facility for 3,600 head (1,440 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed and will become part of this permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the at-

tention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before October 30 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-140/147) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation, and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,
67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,
66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (316) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720,
(316) 431-2390

Plans and documents for all new facilities and for expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024344

State of Kansas

**Office of Judicial Administration
Court of Appeals Docket**

(Note: Dates and times of arguments are subject to change.)

**Kansas Court of Appeals
Supreme Court Courtroom
Kansas Judicial Center
3rd Floor
301 W. 10th Ave.
Topeka, Kansas**

**Before Chief Justice Kay McFarland; Senior Judge Richard W. Wahl;
and Marla J. Luckert, District Judge, assigned.**

Monday, October 25, 1999

9:00 p.m.

Case No.	Case Name	Attorneys	County
80,143	Kerry D. Nicholson, Appellee, v. Kansas Department of Revenue, Appellant.	Michael S. Holland II Brian Cox	Barton
81,000	City of Manhattan, Appellee, v. Blake A. Madden, Appellant.	City Prosecutor Michael S. Holland	Riley
82,092	Richard A. Basham, Appellee, v. Patrons Insurance Company, Appellee, (Mueller Industries, Inc., Proposed Intervenor), Appellant.	Gerald W. Scott Gregory A. Lee	Sedgwick
80,840	Brook Hughs, Appellee, v. Valley State Bank, Tim Kohart, and Kevin White, Appellants.	Brian C. Wright Jeffrey D. Wicks Deanne Watts Hay Stanley R. Parker	Hamilton

1:30 p.m.

80,875	State of Kansas, Appellee, v. Donald A. Ingram, Appellant.	Attorney General Brenda M. Jordan, Asst. C.A. Elizabeth Seale Cateforis, Asst. A.D.	Riley
79,966	State of Kansas, Appellee, v. Robert D. Messinger, Jr., Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Craig Durham, Asst. A.D.	Sedgwick
79,828	State of Kansas, Appellee, v. Roger L. Moss, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Seale Cateforis, Asst. A.D.	Sedgwick
80,823	State of Kansas, Appellee, v. Dale M.L. Denney, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Geary N. Gorup	Sedgwick

Tuesday, October 26, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,043	Close Implement, Inc., Appellee, v. Pat Haffner, Appellant.	Leslie Phelps Hess Andrew L. Warren Calvin K. Williams	Logan
81,184	In the Matter of the Estate of Grace H. Peterson, Deceased.	Robert E. Shaver Curt T. Schneider	Montgomery

82,474	Gary Bainbridge, Appellant, v. Debbie Bainbridge, Appellee.	Charles R. Pike Richard W. Brown	Barton
80,642	State of Kansas, Appellee, v. Kenneth Hartfield, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Cory Riddle, Asst. A.D.	Sedgwick
1:30 p.m.			
81,114	State of Kansas, Appellee, v. Robert B. Phillips, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. William Cather	Sedgwick
81,116	State of Kansas, Appellee, v. Marlin D. Long, Appellant.	Attorney General David Lowden, Asst. D.A. Richard Ney	Sedgwick
80,598	State of Kansas, Appellee, v. Moses Moore, a/k/a Marcella Moore, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Brian R. Johnson	Sedgwick
80,809	State of Kansas, Appellee, v. Lisa Rene Powell, Appellant.	Attorney General Jacqueline J. Spradling, Asst. D.A. Daniel Estes, Asst. A.D.	Johnson
Summary Calendar—No Oral Argument			
82,407	State of Kansas, Appellee, v. Jennifer Klasinski, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Ralph J. DeZago	Johnson
81,647	State of Kansas, Appellee, v. Anthony H. Patton, Appellant.	Attorney General Julie McKenna, C.A. Cory D. Riddle, Asst. A.D.	Saline
82,311	David Hill and Daniel Hill, Appellees, v. Cap Carpet, Inc., Appellant.	David G. Crockett James R. Gilhousen Jerald W. Rogers	Sedgwick
82,002	State of Kansas, Appellee, v. Christopher E. Keeny, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Montgomery
81,660	Mark A. Shay, Appellee, v. State Farm Fire and Casualty Company, Appellant.	L.D. McDonald, Jr. Casey O. Housley Lynn W. Hursh	Franklin
82,088	State of Kansas, Appellee, v. Lance R. Arsenault, Appellant.	Attorney General Terra D. Morehead, Asst. D.A. John R. Osgood Lance D. Sandage	Wyandotte
81,321	James E. Tackett, Jr., Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
81,831	Brooke Kadlub, Appellant, v. U.S.D. #428, Appellee.	Michael S. Holland II Daniel B. Denk	Barton

(continued)

Kansas Court of Appeals
Fatzner Courtroom
Kansas Judicial Center
3rd Floor
301 W. 10th Ave.
Topeka, Kansas

Before Justice Donald L. Allegrucci, P.J.; Steve Leben, District Judge, assigned;
and Nelson E. Toburen, District Judge, assigned.

Monday, October 25, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,390	J. Lee McManus, d/b/a Business Specialists, Appellee, v. Balco, Inc., a Kansas Corporation, Appellant.	Ron D. Beal Kenneth M. Clark	Sedgwick
81,798	In the Matter of the Care and Treatment of Dennis L. Hupp.	Michael E. Francis Kelli L. Newton, Asst. A.G.	Shawnee
81,731	Dodson Insurance Group, Appellee, v. Progressive Casualty Insurance Co., Appellant.	Louis J. Wade Dana M. Harris Lorna L. Hilt Peggy A. Waddell	Wyandotte
82,424	Billy D. Council, Appellant, v. Shilling Construction Company, Inc., and U.S. Fidelity & Guaranty Company, Appellees.	Paul D. Post Kristine A. Purvis	Work Comp

1:30 p.m.

80,289	State of Kansas, Appellee, v. Shane Levi Bahr, Appellant.	Stephen D. Maxwell, Asst. A.G. County Attorney Melanie S. Morgan Joseph D. Johnson	Coffey
81,522	State of Kansas, Appellee, v. Allen D. Taylor, Appellant.	Attorney General Michelle M. Sehee, Asst. D.A. Nikki Christopher, Asst. A.D.	Sedgwick
81,009	State of Kansas, Appellee, v. Richard E. Harrison, Appellant.	Attorney General Joe E. Lee, C.A. Patrick H. Dunn, Asst. A.D.	Lyon
81,209	State of Kansas, Appellee, v. David Lynn Wright, Appellant.	Attorney General Kari Milliken, C.A. Charles A. Peckham	Cheyenne

Tuesday, October 26, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,417 81,274	In the Matter of the Estate of Marianna L. Gaschler, Deceased, and In the Matter of the Trust of Marianna L. Gaschler, Deceased.	Michael D. Gibbens Rhonda Keylon Levinson Wendel W. Wurst Kyler G. Knobbe	Finney
81,088	In the Matter of the Estate of Maurine F. McMillan, Deceased.	Larry E. Keenan M. John Carpenter	Stafford
81,993	Westboro Baptist Church, Inc., Appellant, v. J. Mark Hixon, Shawnee County Appraiser, Appellee.	Chris R. Davis Sandra L. Jacquot	Shawnee

80,763	City of Wichita, Appellee, v. Anna M. Davis, Appellant, and City of Wichita, Appellee, v. William L.S. Davis, Appellant.	Sharon L. Dickgrafe Cortland E. Berry	Sedgwick
1:30 p.m.			
80,421	State of Kansas, Appellee, v. Tyron Latwain Hardaway, Appellant.	Attorney General Ty Kaufman, C.A. Roger D. Struble	McPherson
80,532	State of Kansas, Appellee, v. Floyd McAfee, Appellant.	Attorney General Ann L. Smith, Special Asst. C.A. Mary Curtis, Asst. A.D.	Montgomery
80,241	State of Kansas, Appellee, v. Randall M. Eitzen, Appellant.	Attorney General Keith Collett, Special Prosecutor County Attorney Mark T. Schoenhofer	Marion
82,250	Hai Van Nguyen, Appellant, v. State of Kansas, Appellee.	Kathryn Wall, Asst. A.D. Attorney General Tamara S. Hicks, Asst. C.A.	Finney
Summary Calendar—No Oral Argument			
81,732	In the Matter of the Marriage of Brenda Benoit, Appellee, and Curtis L. Stremel (Kansas Department of Social and Rehabilitation Services, Assignee of Respondent's Child Support Rights), Appellant.	John T. Bird Rebecca A. Bartee Randy M. Barker	Ellis
81,566	State of Kansas, Appellee, v. Edward J. Light, Appellant.	Attorney General Timothy J. Chambers, C.A. Patrick H. Dunn, Asst. A.D.	Reno
81,386 81,387	State of Kansas, Appellee, v. Bryon L. McCoy, Appellant.	Attorney General Keith E. Schroeder, C.A. Jessica R. Kunen, Chief A.D.	Reno
81,797	John L. Falk, Appellant, v. Department of Agriculture, Alice A. Devine, Secretary, Appellee.	Phillip L. Turner Dan E. Turner Derenda J. Mitchell	Shawnee
81,080	State of Kansas, Appellee, v. Larohn Mebane, Appellant.	Attorney General Bonnie Hannan, Asst. D.A. Cory D. Riddle, Asst. A.D.	Wyandotte
81,407	State of Kansas, Appellee, v. Charles E. Williams, Appellant.	Attorney General Keith W. Sprouse, C.A. Kirk C. Redmond, Asst. A.D.	Marshall
81,162	State of Kansas, Appellee, v. Eddie D. Jenkins, Appellant.	Attorney General Daniel Cahill, Asst. D.A. Joseph P. Leon, Asst. A.D.	Wyandotte
81,392	Steven W. Ponds, Appellant, v. State of Kansas, Appellee.	Steven R. Zinn, Deputy A.D. Attorney General Ty Kaufman, C.A.	McPherson

(continued)

Kansas Court of Appeals
Court of Appeals Courtroom
Kansas Judicial Center
2nd Floor
301 W. 10th Ave.
Topeka, Kansas

Before Justice Bob Abbott, P.J.; Stephen D. Hill, District Judge, assigned;
and Robert J. Schmisser, District Judge, assigned.

Monday, October 25, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,716	United Protein, Inc., Appellant, v. Don Wiles, B.A. Leonard, C.E. Molitor, as the Board of County Commissioners of Ford County, Kansas, Appellees.	James T. McIntyre Allen G. Glendenning Richard L. Friedeman	Ford
81,106	Robert Carpenter, Appellee, v. National Filter Service, Appellee, and Travelers Insurance Company, Appellant.	Kendall R. Cunningham Darla Lilley Lyndon W. Vix William L. Townsley	Work Comp
82,145	Donald E. Hess, Claimant, v. Continental Plastic Containers, and Aetna Casualty & Surety Co., Appellees, and The Kansas Workers Compensation Fund, Appellant.	Derek R. Chappell John David Jurcyk Douglas M. Greenwald	Work Comp
82,282 82,317	Donald E. Curran, Appellee, v. The Lawrence Paper Company, Appellant, and Kansas Workers Compensation Fund.	Eugene C. Riling Derek R. Chappell Mark E. Kolich	Work Comp
1:30 p.m.			
81,459	State of Kansas, Appellee, v. Delores E. Robinson, Appellant.	Attorney General Kenneth W. McCracken, Asst. C.A. Brent Getty, Asst. A.D.	Harvey
81,157	State of Kansas, Appellee, v. Teri M. Johnson, Appellant.	Attorney General James A. Brown, Asst. D.A. Joseph Leon, Asst. A.D.	Shawnee
80,856	State of Kansas, Appellee, v. Terry L. Huffman, Appellant.	Attorney General Sherri Price, Asst. A.G. Carl E. Cornwell Lindsey P. Erickson	Wyandotte
80,091	State of Kansas, Appellee, v. John M. Beal, Appellant.	Attorney General Matt Treaster, C.A. Rick Kittel, Asst. A.D.	Rice

Tuesday, October 26, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,467	Karen Murphy, Appellee, v. Labette County Medical Center, and Liberty Mutual Insurance Company, Appellants.	Diane F. Barger Jeffrey L. Jack	Work Comp

80,186	Laura E. McMurray, Appellee, v. Vesta F. Watkins, Aetna Health Plans, Intervenor, Appellant.	W. Thomas Gilman Gregory G. Lower	Butler
81,470	Morgan Incorporated, Appellant, v. Oriental Trading Company, Inc., and Linda Mordan, Appellees.	David D. Burkhead Allan E. Coon Thomas E. Ruzicka Tedrick A. Housh III Sandra L. Maass	Johnson
81,362	State of Kansas, Appellee, v. John Q. Wolfenbarger, Appellant.	Attorney General County Attorney Daniel Estes, Asst. A.D.	Jackson
1:30 p.m.			
79,083	State of Kansas, Appellee, v. Jesse Lee Bell, Appellant.	Attorney General James T. Pringle, Jr., C.A. Debra J. Wilson, Asst. A.D.	Cowley
81,121	State of Kansas, Appellee, v. Enrique S. Falcon, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Steven R. Zinn, Deputy A.D.	Sedgwick
80,480 80,481	State of Kansas, Appellee, v. Walter A. Laird, Appellant.	Attorney General Elizabeth Rogers, Asst. D.A. Nikki Christopher, Asst. A.D.	Sedgwick
79,699	State of Kansas, Appellee, v. Joshua D. Hathaway, Appellant.	Attorney General Michelle M. Sehee, Asst. D.A. Stephen M. Joseph	Sedgwick
Summary Calendar—No Oral Argument			
82,557	Patricia C. Buchanan, Appellant, v. Continental Casualty Company, Appellee, and C.A. Koehler Contracting, Inc.	Robert H. Houske Michael W. Shunk Scott C. Long	Johnson
81,460	James Issac Rutter, Appellant, v. State of Kansas, Appellee.	Craig Durham, Asst. A.D. Attorney General District Attorney	Wyandotte
81,521	State of Kansas, Appellee, v. Sunshine Goodwin, Appellant.	Attorney General Michelle M. Sehee, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,395	State of Kansas, Appellee, v. Lonnie D. Wade II, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jennifer C. Roth, Asst. A.D.	Sedgwick
82,318	City of Mission, Kansas, Appellee, v. Burton C. Carrier, Appellant.	David K. Martin Marcia L. Olberding	Johnson
82,033	Norman D. Gaul and Lorraine C. Gaul, Appellees, v. Steve Aylward and Laurie Aylward, Appellants.	Thomas J. Koehler Mark C. Owens	Johnson
81,807	State of Kansas, Appellee, v. Raymond L. Greene, Appellant.	Attorney General Jennifer Brunetti, Asst. C.A. Elizabeth Seale Cateforis, Asst. A.D.	Crawford
81,474	Bryan Kelly Griffith, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General David Maslen, C.A.	Chautauqua

(continued)

Kansas Court of Appeals
Disciplinary Administrator's Courtroom
701 S.W. Jackson, 1st Floor
Topeka, Kansas

Monday, October 25, 1999

9:00 a.m.

Before Justice Edward Larson, P.J.; Marquardt, J.;
and Jack L. Burr, District Judge, assigned.

Case No.	Case Name	Attorneys	County
81,001	Gary D. Elliott, Appellant, v. Farm Bureau Insurance Co., Inc., Appellee.	John M. Parisi Todd N. Thompson	Miami

Before Justice Edward Larson, P.J.; Jack L. Burr, District Judge, assigned;
and David L. Stutzman, District Judge, assigned.

81,038	Loretta Joan Ming, Appellant, v. Clarence G. Clayton, D.P.M.; Paracelsus Halstead Hospital, Inc.; and Hertzler Clinic, P.A., Appellees.	Stephen W. Brown Steven C. Day Larry Shoaf	Harvey
81,336	Rodney D. Tibbits, Appellant, v. Shawnee County, Respondent and Self- Insured, Appellee.	Beth Regier Foerster Larry G. Karns	Work Comp
80,685	Pedro A. Murati, M.D., Appellant, v. Aaron R. Gilbert, M.D.; Jeff L. Drake, D.C.; and Advanced Medical Associates, P.A., Appellees.	Martha Aaron Ross Harker E. Russell	Sedgwick

1:30 p.m.

80,293	State of Kansas, Appellee, v. Kenneth E. Mason, Appellant.	Attorney General Mary Ann Shirley, C.A. Nikki Christopher, Asst. A.D.	Greenwood
81,266	Brian D. Davenport, Appellant, v. State of Kansas, Appellee.	Ralph J. DeZago Julie McKenna, C.A.	Saline
81,323	State of Kansas, Appellee, v. Michael B. Piper, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Janine Cox, Asst. A.D.	Johnson
81,081	State of Kansas, Appellee, v. Richard G. Binns, Appellant.	Attorney General Robert Forer, C.A. Angela Trimble	Labette

Tuesday, October 26, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,164	Heart of America Travel, Inc., Appellant v. Woodside Racquet Club Mgt., Inc., and Philip Freeland, Appellees.	Victoria Schroeder Christina Magee Jeffrey A. Kennard Kristopher A. Kuehn James M. Kirkland	Johnson
80,755	Kansas Human Rights Commission, Appellant, v. Gwendolyn Jane Laptaq, Appellee.	John M. Cassidy Donald R. Hoffman	Shawnee

- 80,468 Long-McArthur, Inc., Appellant,
v.
Automotive Resource Group, Inc. and
American Arbitration Assn., Appellees. Michael S. Holland
Wm. Rex Lorson Saline
- 82,671 John Morris, Appellant,
v.
American Standard Insurance Company,
Appellee. Paul Hasty, Jr.
Leo L. Logan Wyandotte
Casey L. Griffith

1:30 p.m.

- 80,183 Randolph P. Topham, Appellant,
v.
State of Kansas, Appellee. Rebecca Woodman, Asst. A.D.
Attorney General Pratt
Thomas V. Black, C.A.
- 80,449 State of Kansas, Appellee,
v.
Larone Tomar Brasfield, Appellant. Attorney General Johnson
Jacquelyn Ulrich, Asst. D.A.
- 80,821 State of Kansas, Appellee,
v.
Reinhardt Greb, Appellant. Attorney General Wyandotte
Terra D. Morehead, Asst. D.A.
Jennifer Roth, Asst. A.D.
- 80,767 State of Kansas, Appellee,
v.
Harvey K. Grandstaff, Appellant. Attorney General Lyon
Joe E. Lee, C.A.
Brent Getty, Asst. A.D.

Summary Calendar—No Oral Argument

- 80,754 State of Kansas, Appellee,
v.
Maurice E. Neal, Appellant. Attorney General Sedgwick
Charles R. Reimer, Asst. D.A.
Jessica R. Kunen, Chief A.D.
- 81,065 State of Kansas, Appellee,
v.
James D. Wickwire, Jr., Appellant. Attorney General Anderson
Frederick B. Campbell, Asst. C.A.
Jessica R. Kunen, Chief A.D.
- 80,808 Dean E. Britting, Trustee of the Dean E.
Britting Living Trust, Appellee,
v.
Jandie Production Co., Inc., Patrick J.
Ryan, Jandi Oil Company, Inc.,
Appellants. Greg L. Bauer Stafford
Timothy R. Keenan
- 82,181 City of Norton, Appellee,
v.
Deborah E. Wortman, Appellant. R. Douglas Sebelius, City Prosecutor Norton
Daniel C. Walter
- 81,628 State of Kansas, Appellee,
v.
Victor M. DeHoyos, Appellant. Attorney General Sedgwick
Elizabeth Rogers, Asst. D.A.
Jessica R. Kunen, Chief A.D.
- 80,915 State of Kansas, Appellant,
v.
Ronnie M. Jones, Appellee. Attorney General Sedgwick
David Lowden, Asst. D.A.
Brent Getty, Asst. A.D.
- 81,967 Michelle L. Leecy, Appellee,
v.
State of Kansas and State Self-Insurance
Fund, Appellant. Matthew S. Crowley Work Comp
Jeff K. Cooper
- 81,366 Ignacio Lujan, Appellant,
v.
State of Kansas, Appellee. Shelley K. Kurt Seward
Don L. Scott, C.A.

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

Kansas Council on Developmental Disabilities

Notice of Grant Awards

The Kansas Council on Developmental Disabilities has awarded \$398,737 in federal funding to support innovative projects assisting persons with developmental disabilities to live more independently. Grantees will tackle issues such as affordable housing development, continuation of the state's Self-Determination project in a rural area, integrated transportation systems, and community employment.

Recipients of the awards, their location and the amount of the award are as follows:

Housing Development:	Interfaith Housing Services, Inc., Hutchinson (\$30,000)
Self-Determination:	CLASS, LTD, Columbus (\$37,519)
Transportation:	Occupational Center of Central Kansas, Inc., Concordia (\$75,000) Reno County Department of Aging, Hutchinson (\$66,000) American Red Cross, Topeka (\$41,000)
Community Employment:	KETCH, Inc., Wichita (\$67,000) The Dream Works, Kansas City (\$47,218) Johnson County Developmental Supports, Lenexa (\$35,000)

For additional information, contact Craig Kaberline at the Kansas Council on Developmental Disabilities, Room 141, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-2608, e-mail kaberline@midusa.net, <http://nekesc.org/kids/kcdd.html>.

Jane Rhys
Executive Director

Doc. No. 024355

State of Kansas

Racing and Gaming Commission

Permanent Administrative Regulations

Article 6.—RACE TRACK OFFICIALS

112-6-4a. Lead outs. (a) The lead out shall not be considered an official for purposes of these regulations.

(b)(1) Each licensee shall train lead outs in the scope and proper performance of duties before working official races.

(2) Each licensee shall properly train lead outs in the handling of greyhounds. This training shall include the following:

- (A) The proper method of leading greyhounds;
- (B) weighing of, placement in, and removal of greyhounds from lock-out kennels;
- (C) handling of blankets, muzzles, and leashes;
- (D) placement in the starting box; and
- (E) returning the greyhound to the kennel representative after the finish of a race.

(c)(1) A lead out shall not lead more than one greyhound from the paddock to the starting box during official purse races. More than one greyhound per lead out may be permitted upon application to the racing judges on a performance basis. In official schooling races, a lead out shall not lead more than two greyhounds from the paddock to the starting box.

(2) A lead out shall lead the greyhounds from the paddock to the starting box. Owners, trainers, or attendants shall not be allowed to lead any greyhound.

(3) Each lead out shall be assigned to a post position by lot by the paddock judge or paddock judge's assistant before each race or performance, and a record of that race or performance shall be maintained.

(d)(1) The lead out shall handle each greyhound in a humane manner and shall immediately report any infirmities or physical problems that the lead out observes in greyhounds under that individual's care to the nearest racing official, for notification to the commission veterinarian.

(2) The lead out shall be prohibited from holding any conversation with the public or with one another en route to the starting box unless pertaining to subsection (e) of this regulation.

(3) Each lead out shall be attired in a clean uniform, present a neat appearance, and act in an orderly manner.

(4) The lead out shall be prohibited from smoking unless that individual is 18 years of age or older and on a duly authorized break.

(5) The lead out shall be prohibited from smoking, drinking beverages other than water, or eating unless on a duly authorized break and in a designated area.

(e)(1) Once the first race of the performance has been removed from the lock-out kennel, each lead out shall remain in the restricted area of the paddock at all times except to accompany an assigned greyhound to the starting box.

(2) A lead out not on duty shall be prohibited from entering the paddock until the last race has left the paddock.

(3) A lead out shall not remove any racing blankets until the greyhounds are accepted by licensed kennel representatives at the conclusion of the race.

(f)(1) No lead out shall be permitted to have any interest in the greyhound racing for the licensee.

(2) The lead out shall be prohibited from wagering on the result of any greyhound racing at the racetrack where the lead out is assigned.

(g) Any individual found to be in violation of any of this regulation shall be subject to suspension, revocation, fine, or any combination, or any other action that the judges deem necessary. (Authorized by K.S.A. 1998 Supp. 74-8804; implementing K.S.A. 1998 Supp. 74-8816; effective Oct. 15, 1999.)

Myron Scafe
Executive Director

Doc. No. 024340

State of Kansas

Department of Health
and EnvironmentTemporary Administrative
RegulationsArticle 72.—RESIDENTIAL CHILDHOOD LEAD
POISONING PREVENTION PROGRAM

28-72-1. Definitions. In addition to the definitions contained in L. 1999, Ch. 99, Sec. 3, and amendments thereto, the following definitions shall apply to the residential childhood lead poisoning prevention act.

(a) "Accreditation" means approval by KDHE of a training provider for a training course to train individuals for lead-based paint activities.

(b) "Accredited course" means a course that has been approved by the department for the training of lead professionals.

(c) "Act" means the residential childhood lead poisoning prevention act, and amendments thereto.

(d) "Adequate quality control" means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control shall also include provisions for representative sampling.

(e) "Audit" means the monitoring by KDHE of a training provider for a training course to ensure compliance with the act and this article.

(f) "Certified elevated blood lead (EBL) level inspector" or "EBL inspector" means a person who meets the requirements of K.A.R. 28-72-6 and who is certified by the department.

(g) "Certified lead abatement supervisor" or "lead abatement supervisor" means an individual who is trained by an accredited training program, as defined in this act, and certified by the department under K.A.R. 28-72-8 to supervise workers, conduct lead abatement activities, and to prepare occupant protection plans and abatement reports.

(h) "Certified lead abatement worker" or "lead abatement worker" means a person who meets the requirements of K.A.R. 28-72-7 and who is certified by the department.

(i) "Certified lead inspector" or "lead inspector" means a person who meets the requirements of K.A.R. 28-72-5 and who is certified by the department. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(j) "Certified lead professional" means a person who is certified by the department as a lead inspector, elevated blood lead (EBL) level inspector, lead abatement supervisor, lead abatement worker, project designer, or risk assessor.

(k) "Certified project designer" or "project designer" means a person who meets the requirements of K.A.R. 28-72-9 and who has been certified by the department.

(l) "Certified risk assessor" or "risk assessor" means a person who meets the requirements of K.A.R. 28-72-6 and who is certified by the department.

(m) "Child-occupied facility" means a building, or portion of a building, constructed before 1978, visited by

the same child six years of age or under, on at least two different days within any seven consecutive days, if each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities shall include day care centers, preschools, and kindergarten classrooms.

(n) "Classroom training" means training devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or any combination of these educational activities.

(o) "Clearance levels" means the values that indicate the maximum amount of lead permitted in dust on a surface following completion of each abatement activity. These values shall be 100 micrograms per square foot on uncarpeted floors, 500 micrograms per square foot on windowsills, and 800 micrograms per square foot on window troughs.

(p) "Common area" means a portion of the building that is generally accessible to all occupants. Such an area may include the following:

- (1) Hallways;
- (2) stairways;
- (3) laundry and recreational rooms;
- (4) playgrounds;
- (5) community centers;
- (6) garages; and
- (7) boundary fences.

(q) "Component" or "building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. Components shall include the following:

- (1) Interior components, including the following:
 - (A) Ceilings;
 - (B) crown moldings;
 - (C) walls;
 - (D) chair rails;
 - (E) doors and door trim;
 - (F) floors;
 - (G) fireplaces;
 - (H) radiators and other heating units;
 - (I) shelves and shelf supports;
 - (J) stair treads, risers, and stringers; newel posts; railing caps; and balustrades;
 - (K) windows and trim, including sashes, window heads, jambs, sills, or stools, and troughs;
 - (L) built-in cabinets;
 - (M) columns and beams;
 - (N) bathroom vanities;
 - (O) countertops; and
 - (P) air conditioners; and
- (2) exterior components, including the following:
 - (A) Painted roofing and chimneys;
 - (B) flashing, gutters, and downspouts;
 - (C) ceilings;
 - (D) soffits and fascias;
 - (E) rake boards, cornerboards, and bulkheads;
 - (F) doors and door trim;
 - (G) fences;
 - (H) floors;

(continued)

- (I) joists;
- (J) latticework;
- (K) railings and railing caps;
- (L) siding;
- (M) handrails;
- (N) stair risers, treads, and stringers;
- (O) columns and balustrades;
- (P) windowsills or window stools, troughs, casing, sashes and wells; and
- (Q) air conditioners.
- (r) "Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.
- (s) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.
- (t) "Course exam blueprint" means written documentation identifying the proportion of course exam questions devoted to each major topic in the course curriculum.
- (u) "Course test" means an evaluation of the overall effectiveness of the training, which shall test each trainee's knowledge and retention of the topics covered during the course.
- (v) "Department" means the Kansas department of health and environment.
- (w) "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component.
- (x) "Discipline" means one of the specific types or categories of lead-based paint activities identified in this act in which individuals may receive training from accredited courses and become certified by the department.
- (y) "Distinct painting history" means the application history, as indicated by the visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.
- (z) "Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil.
- (aa) "Elevated blood lead level (EBL) child" or "EBL child" means any child who has an excessive absorption of lead with a confirmed concentration of lead in whole blood of 10 µg (micrograms) of lead per deciliter of whole blood from a single venous test.
- (bb) "Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively bonded covering material.
- (cc) "Encapsulation" means the application of an encapsulant.
- (dd) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between the lead-based paint and the environment.
- (ee) "EPA" means the United States environmental protection agency.
- (ff) "Guest instructor" means an individual who is designated by the training program manager or principal instructor and who provides instruction specific to the

lectures, hands-on work activities, or work practice components of a course.

(gg) "Hands-on skills assessment" means an evaluation of the effectiveness of the hands-on training that tests the ability of the trainees to demonstrate satisfactory performance of work practices and procedures as well as any other skills demonstrated in the course.

(hh) "Hands-on training" means training that involves the actual practice of a procedure, the use of equipment, or both.

(ii) "Hazardous waste" means any waste as defined in K.S.A. 65-3430, and amendments thereto.

(jj) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following:

- (1) Repairing deteriorated lead-based paint;
- (2) specialized cleaning;
- (3) maintenance;
- (4) painting;
- (5) temporary containment;
- (6) ongoing monitoring of lead-based paint hazards or potential hazards; and
- (7) the establishment and operation of management and resident education programs.

(kk) "KDHE" means the Kansas department of health and environment.

(ll) "Large-scale abatement project" means a lead abatement project consisting of 10 or more dwellings.

(mm) "Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards in a residential dwelling or child-occupied facility.

(1) Lead abatement shall include the following:

(A) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil;

(B) all preparation, cleanup, disposal, and postabatement clearance testing activities associated with these measures;

(C) projects for which there is a written contract or other documentation requiring an individual to conduct activities in or to a residential dwelling or child-occupied facility that will result in or are designed to permanently eliminate lead-based paint hazards;

(D) projects resulting in the permanent elimination of lead-based paint hazards;

(E) projects resulting in the permanent elimination of lead-based paint hazards that are conducted by lead activity firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint abatement; and

(F) projects resulting in the permanent elimination of lead-based paint that are conducted in response to an abatement order.

(2)(A) Lead abatement shall not include renovation, remodeling, landscaping, or other activities when these activities are not designed to permanently eliminate lead-based paint hazards, but are designed to repair, restore,

or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.

(B) Lead abatement shall not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(nn) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-based paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.

(oo) "Lead-contaminated dust" means surface dust in residential dwellings or child-occupied facilities that contains in excess of 100 micrograms per square foot on uncarpeted floors, 500 micrograms per square foot on windowsills, and 800 micrograms per square foot on window troughs.

(pp) "Lead-contaminated soil" means bare soil on residential real property and on the property of a child-occupied facility that contains lead in excess of 400 parts per million for areas where child contact is likely and in excess of 2,000 parts per million where child contact is not likely.

(qq) "Lead hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling as described in 40 C.F.R. 745.227(c). Specifically, in a residential dwelling, two composite samples shall be taken from the floors and one from the windows in rooms where one or more children, age 72 months and under, are most likely to come into contact with dust. Additionally, in multi-family dwellings and child-occupied facilities, composite dust samples shall be taken from any common areas where one or more children age 72 months and under are likely to come into contact with dust.

(rr) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and a determination of the existence, nature, severity, and location of lead-based paint hazards in an entire residential dwelling or child-occupied facility and the provision of a written report explaining the results of the investigation and options for reducing lead-based paint hazards to the person requesting the lead inspection.

(ss) "Licensed lead activity firm," "lead activity firm," or "firm" means an association, company, corporation, partnership, sole proprietorship, or other business entity that performs lead-based paint activities to which the department has issued a license of approval.

(tt) "Living area" means any area of a residential dwelling used by at least one child, six years of age and under, including the following:

- (1) living rooms;
- (2) kitchen areas;
- (3) dens;
- (4) playrooms; and
- (5) children's bedrooms.

(uu) "Local government" means a county, city, town, borough, parish, district, association, or other public body, including an agency comprised of two or more of the foregoing entities, created under state law.

(vv) "Multi-family dwelling" means a structure that contains more than one separate residential dwelling unit used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(ww) "National third-party examination" means a discipline-specific examination administered by the department to test the knowledge of a person who has completed an approved training course and is applying for certification in a particular discipline.

(xx) "Nonprofit" means an entity that has demonstrated to any branch of the federal government or to a state, municipal, tribal, or territorial government that no part of its net earnings inure to the benefit of any private shareholder or individual.

(yy) "Occupation" means one of the specific types or categories of lead-based paint activities identified in this article for which individuals may receive training from accredited training providers. This term shall include lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or any combination of these.

(zz) "Occupant protection plan" means a plan developed by a licensed lead activity firm before the commencement of lead abatement in a residential dwelling or child-occupied facility that describes the measures and management procedures to be taken during lead abatement to protect the building occupants from exposure to any lead-based paint hazards.

(aaa) "Oral exam" is equivalent to the written exam in content, but is read to the student by the principal instructor. The student shall be required to provide his or her answers to the exam in writing.

(bbb) "Passing score" means a grade of 70% or better on the national third-party examination and training course examination for a lead occupation certificate.

(ccc) "Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, including pavement and concrete. Grass, mulch, and other landscaping materials shall not be considered permanent covering.

(ddd) "Principal instructor" means an individual who has the primary responsibility for organizing and teaching a particular course.

(eee) "Project design" means lead abatement project designs, occupant protection plans, and lead abatement reports.

(fff) "Reaccreditation" means the renewal of accreditation of a training provider for a training course after the expiration of the initial accreditation.

(ggg) "Reciprocity" means an agreement between KDHE and other states who have similar licensing provisions.

(hhh) "Recognized laboratory" means either of the following:

- (1) A laboratory that is a member of the environmental lead laboratory accreditation program (ELLAP) and that is a successful participant in the environmental lead proficiency and analytical testing (ELPAT) program; or

(continued)

(2) a laboratory that is a member of the national lead laboratory accreditation program (NLLAP).

(iii) "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

(jii) "Refresher course" means a course taken by a certified lead professional to maintain certification in a particular discipline.

(kkk) "Renewal" means the reissuance of a lead occupation certification, a lead activity firm license, or a training provider accreditation.

(lll) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards in a residential dwelling or child-occupied facility and the provision of a written report explaining the results of the investigation and options for reducing lead-based paint hazards.

(mmm) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any territory or possession of the United States.

(nnn) "Target housing" means housing constructed before 1978 with the exception of any zero-bedroom housing or housing for the elderly or for persons with disabilities, unless any one or more children age 72 months or under reside or are expected to reside in the housing for the elderly or persons with disabilities.

(ooo) "Training course" means the course of instruction established by this article to prepare an individual for certification in a single occupation.

(ppp) "Training curriculum" means an established set of course topics for instruction by an accredited training provider for a particular occupation designed to provide specialized knowledge and skills.

(qqq) "Training hour" means at least 50 minutes of actual learning, including time devoted to lectures, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.

(rrr) "Training manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.

(sss) "Training provider" means a person or entity providing training courses for the purpose of state certification or certification renewal in the occupations of lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, and project designer.

(ttt) "Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed.

(uuu) "X-ray fluorescence analyzer (XRF)" means an instrument that determines lead concentrations in milligrams per square centimeter (mg/cm²) using the principle of x-ray fluorescence. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-2. General requirements for licensure and certification. (a) Waiver. Applicants for certification or

certified individuals may authorize others, including their employer, to act on their behalf regarding their certification application. This authorization shall be indicated on the application form provided by KDHE. If at any time the applicant or certified individual decides to change this authorization, the applicant or certified individual shall notify KDHE in writing of the change.

(b) Change of address. Each certified individual shall notify KDHE in writing of a change of mailing address no later than 30 days following the change. Each licensed lead activity firm shall notify KDHE in writing of a change in business mailing address no later than 30 days following the change. Until a change of address is received, all correspondence shall be mailed to the individual's mailing address and the lead activity firm's business address indicated on the most recent application form.

(c) Reciprocity. A lead occupation certification may be issued by KDHE to any person or a license may be issued by KDHE to any lead activity firm that has made application and provided proof of certification or licensure from the EPA or from another state, if KDHE has entered into a reciprocity agreement with that state and the individual certification fees have been paid.

(d) Grandfather provision. If an individual has completed a lead-based paint hazard training course between October 1, 1990 and March 1, 1999, that individual may receive certification by completing a refresher training course from an approved training provider, paying the individual certification fees, and, if applicable, passing the national third-party exam. An individual shall have 180 days after passage of this regulation to apply to KDHE for certification under this subsection. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-3. Fees. The following fees shall apply: (a) Training providers.

(1) Accreditation fee	\$1,000
(2) Initial fee.	
(A) Lead abatement supervisor, lead abatement worker, and project designer courses	\$1,000
(B) Risk assessor and lead inspector courses ..	\$1,000
(3) Refresher fee.	
(A) Lead abatement supervisor, lead abatement worker, and project designer courses	\$500
(B) Risk assessor and lead inspector courses ..	\$500
(4) Reaccreditation fee	\$1,000
(A)(i) Reaccreditation for lead abatement supervisor, lead abatement worker, and project designer courses	\$1,000
(ii) Reaccreditation for risk assessor and inspector courses	\$1,000
(B)(i) Refresher reaccreditation for lead abatement supervisor, lead abatement worker, and project designer courses	\$500
(ii) Refresher reaccreditation for risk assessor and lead inspector courses	\$500
(b) Lead inspector.	
(1) Individual certification	\$200
(2) Individual recertification	\$100
(3) Certification by reciprocity	\$200
(c) Risk assessor.	

(1) Individual certification	\$300
(2) Individual recertification	\$150
(3) Certification by reciprocity	\$300
(d) Lead abatement supervisor.	
(1) Individual certification	\$150
(2) Individual recertification	\$75
(3) Certification by reciprocity	\$150
(e) Project designer.	
(1) Individual certification	\$150
(2) Individual recertification	\$75
(3) Certification by reciprocity	\$150
(f) Lead abatement worker.	
(1) Individual certification	\$50
(2) Individual recertification	\$25
(3) Certification by reciprocity	\$50
(g) National third-party examination	\$50
(h) Lead activity firm.	
(1) License	\$500
(2) License renewal	\$250
(3) Project fee	1% of each project
(4) Licensure by reciprocity	\$500

Before qualifying for a fee exemption, a local health department or clinic shall have received a certificate from KDHE for elevated blood lead level investigation risk assessments. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-4. Training provider accreditation. (a) Good standing. Every applicant desiring accreditation of the training courses for lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, or project designer, or any combination, under this regulation shall be registered and in good standing with the Kansas secretary of state's office.

(b) Application for accreditation of a training provider for a training course. Completed applications shall be mailed to the Kansas department of health and environment.

(1) The application shall include the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

- (i) The training provider's name, address, and telephone number;
- (ii) the name and date of birth of the training manager;
- (iii) the name and date of birth of the principal instructor for each course;
- (iv) a list of locations at which training will take place;
- (v) a list of courses for which the training provider is applying for accreditation; and

(vi) a statement signed by the training manager certifying that the information in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

- (B) a copy of the student and instructor manuals;
- (C) the course agenda;
- (D) the course examination blueprint;

(E) a copy of the quality control plan as described in paragraph (d)(8) of this regulation;

(F) a copy of a sample course certificate as described in paragraph (d)(8) of this regulation;

(G) a description of the facilities and equipment to be used for lectures and hands-on training;

(H) a description of the activities and procedures that will be used for conducting the skills assessment for each course;

(I) a check or money order for the applicable nonrefundable accreditation fees specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from these fees;

(J) documentation supporting the training manager's and principal instructor's qualifications.

(c) Procedure for issuance or denial of training provider accreditation for a training course.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in denial of the application for a training course accreditation.

(iii) After the information in the written notice is received, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(2) If an application is approved a two-year accreditation certificate shall be issued by KDHE.

(3) If an application for training course accreditation is denied, the specific reasons for the denial shall be stated by KDHE in the notice of denial to the applicant.

(A) Training course accreditation may be denied by KDHE for any of the following reasons:

- (i) Failure of the training manager or principal instructor, or both, to satisfy the experience requirements;
- (ii) three or more citations or violations within the past two years, by the training manager or principal instructor, of any existing local, state, or federal lead-based paint activity regulations or standards;
- (iii) false or misleading statements in the application;
- (iv) false records, instructor qualifications, or other accreditation-related information or documentation;
- (v) failure of the applicant to submit a complete application; or

(vi) final disciplinary action, for any violation of lead-based paint activity standards, against a training provider by another state, territory, federal agency or country, whether or not voluntarily agreed to by the training provider, including the denial of accreditation, surrender of the accreditation, allowing the accreditation to expire or lapse, or discontinuing or restricting the accreditation while subject to investigation or while actually under in-

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vestigation by another state, territory, or federal agency or country.

(B) If an application is denied, the applicant may reapply for accreditation at any time.

(C) If an applicant is aggrieved by a determination to deny accreditation, the applicant may request a hearing by the department in accordance with the Kansas administrative procedure act.

(d) Requirements for accreditation of a training provider for a training course. For a training provider to maintain accreditation from KDHE to offer a training course, the training provider shall meet the following requirements:

(1) Training manager. The training provider shall employ a training manager who meets the requirements in subsection (e) of this regulation. The training manager shall be responsible for ensuring that the accredited training provider complies at all times with all of the requirements in these regulations. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(2) Principal instructor. The training provider, in coordination with the training manager, shall designate a qualified principal instructor who meets the requirements in subsection (f) of this regulation. The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course materials.

(3) The training provider shall meet the curriculum requirements set forth in K.A.R. 28-72-4a for each course contained in the application for accreditation of a training provider.

(4) Delivery of course. The training provider shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course exam, hands-on training, and assessment activities. This shall include providing training equipment that reflects current work practice standards set forth in K.A.R. 28-72-13 through K.A.R. 28-72-21 and maintaining or updating the course materials, equipment, and facilities as needed.

(5) Course exam. For each course offered, the training provider shall conduct a monitored, written course exam at the completion of each course. An oral exam may be administered in lieu of a written course exam for the lead abatement worker course only. If an oral examination is administered, the student shall be required to provide the answers to the exam in writing.

(A) The course exam shall evaluate the trainee's competency and proficiency.

(B) All individuals shall pass the course exam in order to successfully complete any course and receive a course completion certificate. The passing score on the course exam shall be 70%.

(C) The training provider and the training manager shall be responsible for maintaining the validity and integrity of the course exam to ensure that it accurately evaluates each trainee's knowledge and retention of the course topics.

(6) Hands-on skills assessment. For each course offered, except for project designers, the training provider shall conduct a hands-on skills assessment. The training

manager shall maintain the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates each trainee's performance of the work practice procedures associated with the course topics.

(7) Course completion certificate. The training provider shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include the following:

(A) The name, a unique identification number, and the address of the individual;

(B) the name of the particular course that the individual completed;

(C) the dates of course completion or exam passage; and

(D) the name, address, and telephone number of the training provider.

(8) Quality control plan. The training manager shall develop and implement a quality control plan. The plan shall be used to maintain or progressively improve the quality of the accredited provider.

(A) This plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials and the course exam to reflect innovations in the field;

(ii) procedures for the training manager's annual review of principal instructor competency; and

(iii) a review to ensure the adequacy of the facilities and equipment.

(B) An annual report discussing the results of the quality control plan shall be submitted to KDHE one year following accreditation and at renewal.

(9) Access by KDHE. The accredited training provider shall allow KDHE to conduct audits as needed in order for KDHE to evaluate the training provider's compliance with KDHE accreditation requirements. During this audit, the training provider shall make available to KDHE all information necessary to complete the evaluation. At KDHE's request, the training provider shall also make documents available for photocopying.

(10) Recordkeeping. The accredited training provider shall maintain at its principal place of business, for at least five years, the following records:

(A) All documents specified in paragraph (e)(2) and (f)(2) of this regulation that demonstrate the qualifications listed in paragraph (e)(1) of this regulation for the training manager, and paragraph (f)(1) of this regulation for the principal instructor;

(B) curriculum or course materials, or both, and documents reflecting any changes made to these materials;

(C) the course examination and blueprint;

(D) information regarding how the hands-on skills assessment is conducted, including the following:

(i) The name of the person conducting the assessment;

(ii) the criteria for grading skills;

(iii) the facilities used;

(iv) the pass and fail rate; and

(v) the quality control plan as described in paragraph (d)(8) of this regulation;

(E) results of the students' hands-on skills assessments and course exams, and a record of each student's course completion certificate; and

(F) any other material not listed in this paragraph (d)(10) that was submitted to KDHE as part of the training provider's application for accreditation.

(11) Course notification. The accredited training provider shall notify KDHE in writing 14 calendar days before conducting an accredited training course.

(A) The notification shall include the following information:

(i) The location of the course, if it will be conducted at a location other than the training provider's training facility;

(ii) the dates and times of the course;

(iii) the name of the course; and

(iv) the name of the principal instructor and any guest instructors conducting the course.

(B) If the scheduled training course has been changed or canceled, the accredited training provider shall notify KDHE in writing no less than 24 hours before the training course was scheduled to begin.

(12) Changes to a training course. Once a training course has been accredited, any changes in any of the following items shall be submitted in writing to KDHE for review and approval before the continuation of the training course:

(A) The course curriculum;

(B) the course examination;

(C) the course materials;

(D) the training manager or principal instructors, or both; or

(E) the certificate of completion.

Within 60 calendar days of receipt of a change to a training course, the provider shall be informed by KDHE in writing that the change is either approved or disapproved. If the change is approved, the accredited training provider shall include the change in the training course. If the change is disapproved, the accredited training provider shall not include the change in the training course.

(13) Change of ownership. If an accredited training provider changes ownership, the new owner shall notify KDHE in writing at least 30 calendar days before the change of ownership becomes effective. The notification shall include a new training course provider accreditation application, the appropriate fee or fees, and the date that the change of ownership will become effective. The new training course provider accreditation application shall be processed pursuant to this regulation. The current training provider's accreditation shall expire on the effective date set forth in the notification of the change of ownership.

(14) Change of address. The accredited training provider shall submit to KDHE a written notice of the accredited training provider's new address and telephone number, and a description of the new training facility, and shall submit this information to KDHE not later than 30 days before relocating its business or transferring its records.

(e) Training, education, and experience requirements for the training manager.

(1) The education or experience requirements for the training manager shall include one year of experience in lead or asbestos abatement, painting, carpentry, renova-

tion, remodeling, safety and health, or industrial hygiene, and at least one of the following:

(A) A minimum of two years of experience in teaching or training adults;

(B) a bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, business administration, or education; or

(C) a minimum of two years of experience in managing a training program specializing in environmental hazards.

(2) The following records of experience and education shall be recognized by KDHE as evidence that the individual meets or exceeds KDHE requirements for a training manager:

(A) Resumes, letters of reference from past employers, or documentation to evidence past experience that includes specific dates of employment, the employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements; and

(B) official academic transcripts or diplomas, as evidence of meeting the education requirements.

(f) Training, education, and experience requirements for the principal instructor.

(1) The training, education, and experience requirements for the principal instructor of a training course shall include all of the following:

(A) Successful completion of at least 24 hours of any KDHE- or EPA-accredited lead-specific training;

(B) a minimum of one year of experience in teaching or training adults; and

(C) a minimum of one year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene, or an associate degree or higher from a postsecondary educational institution in building construction technology, engineering, safety, public health, or industrial hygiene.

(2) The following records of experience and education shall be recognized by KDHE as evidence that the individual meets or exceeds KDHE requirements for a principal instructor:

(A) Course completion certificates issued by the KDHE- or EPA-accredited training provider as evidence of meeting the training requirements;

(B) official academic transcripts or diplomas, as evidence of meeting the education requirements; and

(C) resumes, letters of reference from past employers, or documentation to evidence past experience that includes specific dates of employment, the employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements.

(g)(1) Training provider accreditation may be restricted, suspended, or revoked by KDHE if a training provider, training manager, or other person with supervisory authority over the training provider performs at least one of the following:

(A) Provides, offers to provide, or claims to provide KDHE-accredited training courses without having this accreditation;

(continued)

(B) presents inaccurate information in a training course;

(C) fails to submit required information or notifications to KDHE in a timely manner;

(D) falsifies accreditation records, instructor qualifications, or other accreditation-related information or documentation;

(E) fails to comply with the training standards and requirements in this regulation and K.A.R. 28-72-4a;

(F) three or more citations or violations within the past two years, by the training manager or principal instructor, of any existing local, state, or federal lead-based paint activity regulations or standards; or

(G) makes false or misleading statements to KDHE in its application for accreditation or reaccreditation that KDHE relied upon in approving the application.

(2) Training provider accreditation may be restricted, suspended, or revoked by KDHE if the training provider has incurred final disciplinary action by another state, territory, federal agency or country, whether or not voluntarily agreed to by the training provider, including the denial of accreditation, surrender of the accreditation, allowing the accreditation to expire or lapse, or discontinuing or restricting the accreditation while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

(3) Before restricting, suspending, or revoking a training provider's accreditation, a training provider shall be given written notice of the reasons for the restriction, suspension, or revocation. The training provider may request a hearing by the department in accordance with the Kansas administrative procedure act.

(h) Renewal of accreditation.

(1) Unless sooner revoked, a training provider's accreditation shall expire two years after the date of issuance. If a training provider meets the requirements of this regulation and K.A.R. 28-72-4a, the training provider shall be reaccredited.

(2) Each training provider seeking reaccreditation shall submit an application to KDHE at least 60 calendar days before its accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.

(3) The training provider's application for reaccreditation shall contain the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for reaccreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding,

that the training provider will comply with K.A.R. 28-72-4 and K.A.R. 28-72-4a, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a list of courses for which it is applying for reaccreditation;

(C) a description of any changes to the training facility, equipment, or course materials since its last application was approved that adversely affect the students' ability to learn; and

(D) a check or money order made payable to the Kansas department of health and environment for the non-refundable fees specified in K.A.R. 28-72-3, as applicable, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore fee exempt from these fees.

(i) If the training provider has allowed its accreditation to expire and the provider desires to be accredited, it shall reapply in the same manner as that required for an application for an original accreditation in accordance with this regulation. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-4a. Curriculum requirements for training providers. (a)(1) Each training provider of a lead inspector training course shall ensure that the lead inspector training course curriculum includes, at a minimum, 16 training hours of classroom training and eight hours of hands-on training.

(2) Each lead inspector training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of an inspector;

(B) background information on lead, including the history of lead use and sources of environmental lead contamination;

(C) the health effects of lead, including the following:

(i) The ways that lead enters and affects the body;

(ii) the levels of concern; and

(iii) symptoms, diagnosis, and treatments;

(D) the regulatory background and an overview of lead in applicable state and federal guidance or regulations pertaining to lead-based paint, including the current version of each of the following:

(i) 40 CFR part 745;

(ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;

(iii) 29 CFR 1910.1200;

(iv) 29 CFR 1926.62; and

(v) title X: the residential lead-based paint hazard reduction act of 1992;

(E) the rules and regulations in this article pertaining to lead licensure and to the Kansas work practice standards for lead-based paint activities specific to lead inspection activities;

(F) quality control and assurance procedures in testing analysis;

(G) legal liabilities and obligations; and

(H) recordkeeping.

(3) Each lead inspector training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course;

(A) Lead-based paint inspection methods, including the selection of rooms and components for sampling or testing;

(B) preinspection planning and review, including developing a schematic site plan and determining inspection criteria and locations to collect samples in single- and multi-family housing;

(C) paint, dust, and soil sampling methodologies, including the following:

(i) Lead-based paint testing or X-ray fluorescence paint analyzer (XRF) use, including the types of XRF units, their basic operation, and interpretation of XRF results, including substrate correction;

(ii) soil collection, including soil sampling techniques, number and location of soil samples, and interpretation of soil sampling results; and

(iii) dust sample collection techniques, including the number and location of wipe samples and the interpretation of test results;

(D) clearance standards and testing, including random sampling; and

(E) preparation of the final inspection report.

(b) Each training provider of a risk assessor training course shall ensure that the risk assessor training course curriculum includes, at a minimum, 12 training hours of classroom training and four hours of hands-on training.

(2) Each risk assessor training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of the risk assessor;

(B) the collection of background information to perform a risk assessment, including information on the age and history of the housing and occupancy by children under six years of age and women of childbearing age;

(C) sources of environmental lead contamination, including paint, surface dust and soil, water, air, packaging, and food;

(D) the rules and regulations in this article pertaining to lead certification and to Kansas work practice standards for lead-based paint specific to risk assessment activities;

(E) development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and

(F) legal liabilities and obligations specific to a risk assessor.

(3) Each risk assessor training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:

(A) Visual inspection for the purposes of identifying potential sources of lead hazards;

(B) lead-hazard screen protocols;

(C) sampling for other sources of lead exposure, including drinking water;

(D) interpretation of lead-based paint and other lead sampling results related to the Kansas clearance standards; and

(E) preparation of a final risk assessment report.

(c) Each training provider of a lead abatement worker course shall ensure that the lead abatement worker training course curriculum includes, at a minimum, 16 train-

ing hours of classroom training and eight hours of hands-on training.

(1) Each lead abatement worker training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of a lead abatement worker;

(B) background information on lead, including the history of lead use and sources of environmental lead contamination;

(C) the health effects of lead, including the following:

(i) The ways that lead enters and affects the body;

(ii) the levels of concern; and

(iii) symptoms, diagnosis and treatments;

(D) the regulatory background and an overview of lead in applicable state and federal guidance or regulations pertaining to lead-based paint, including the current version of each of the following:

(i) 40 CFR part 745;

(ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;

(iii) 29 CFR 1910.1200;

(iv) 29 CFR 1926.62; and

(v) title X: the residential lead-based paint hazard reduction act of 1992;

(E) the regulations in this article pertaining to lead certification and to the Kansas work practice standards for lead-based paint activities specific to lead abatement activities; and

(F) waste disposal techniques.

(2) Each lead abatement training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:

(A) Personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;

(B) lead hazard recognition and control, including site characterization, exposure measurements, medical surveillance, and engineering controls;

(C) preabatement set-up procedures, including containment for residential and commercial buildings and for superstructures;

(D) lead abatement and lead-hazard reduction methods for residential and commercial buildings and for superstructures, including prohibited practices;

(E) interior dust abatement methods and cleanup techniques; and

(F) soil and exterior dust abatement methods.

(d) Each training provider of a lead abatement supervisor training course shall ensure that the lead abatement supervisor training course curriculum includes, at a minimum, 28 training hours of classroom training and 12 hours of hands-on training.

(1) Each lead abatement supervisor training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of a supervisor;

(B) background information on lead, including the history of lead use and sources of environmental lead contamination;

(continued)

- (C) the health effects of lead, including the following:
 - (i) The ways that lead enters and affects the body;
 - (ii) the levels of concern; and
 - (iii) symptoms, diagnosis, and treatments;
- (D) the regulatory background and an overview of lead in applicable state and federal guidance or regulations pertaining to lead-based paint, including the current version of each of the following:
 - (i) 40 CFR part 745;
 - (ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;
 - (iii) 29 CFR 1910.1200;
 - (iv) 29 CFR 1926.62; and
 - (v) title X: the residential lead-based paint hazard reduction act of 1992;
- (E) liability and insurance issues relating to lead abatement;
- (F) the community relations process;
- (G) hazard recognition and control techniques, including site characterization, exposure measurements, material identification, safety and health planning, medial surveillance, and engineering controls;
- (H) the rules and regulations in this article pertaining to lead certification and to the Kansas work practice standards for lead-based paint activities specific to lead abatement activities;
- (I) clearance standards and testing;
- (J) cleanup and waste disposal; and
- (K) recordkeeping.
- (2) Each lead abatement supervisor training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:
 - (A) Cost estimation;
 - (B) risk assessment and inspection report interpretation;
 - (C) the development and implementation of an occupant protection plan and pre-abatement work plan, including containment for residential and commercial buildings and for superstructures;
 - (D) lead hazard recognition and control;
 - (E) personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;
 - (F) lead abatement and lead-hazard reduction methods, including prohibited practices, for residential and commercial buildings and superstructures;
 - (G) project management, including supervisory techniques, contractor specifications, emergency response planning, and blueprint reading.
 - (H) interior dust abatement and cleanup techniques;
 - (I) soil and exterior dust abatement methods; and
 - (U) the preparation of an abatement report.
- (e) Each training provider of a project designer training course shall ensure that the project designer training course curriculum includes, at a minimum, eight hours of classroom training. A project designer training course shall include, at a minimum, the following course topics:
 - (1) The role and responsibilities of a project designer;

- (2) the development and implementation of an occupant protection plan for large-scale abatement projects;
- (3) lead abatement and lead-hazard reduction methods, including prohibited practices, for large-scale abatement projects;
- (4) interior dust abatement or cleanup or lead-hazard control, and reduction methods for large-scale abatement projects;
- (5) soil and exterior dust abatement methods for large-scale abatement projects;
- (6) clearance standards and testing for large-scale abatement projects; and
- (7) integration of lead abatement methods with modernization and rehabilitation projects for large-scale abatement projects. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-4b. Training provider accreditation; reciprocity. An accreditation certificate may be issued by KDHE to any person or entity that has made application, paid the necessary fees, and provided proof of accreditation from the EPA or from another state, if KDHE has entered into a reciprocity agreement with that state. (a) Application for accreditation of a training provider for a training course under reciprocity.

(1) Completed applications shall be mailed to the Kansas department of health and environment.

(2) The application shall include the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for accreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 and 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) the course agenda;

(C) the course examination blueprint;

(D) a copy of the quality control plan as described in paragraph (d)(8) of K.A.R. 28-72-4;

(E) a copy of a sample course certificate as described in paragraph (d)(7) of K.A.R. 28-72-4;

(F) a description of the facilities and equipment to be used for lectures and hands-on training;

(G) a description of the activities and procedures that will be used for conducting the hands-on skills assessment for each course;

(H) a check or money order for the applicable nonrefundable training provider accreditation and initial fees, as specified in K.A.R. 28-72-3, made payable to the Kansas department of health and environment, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from payment of these fees;

(I) documentation supporting the training manager's and principal instructor's qualifications; and

(J) documentation of accreditation in the courses for which the training provider is applying for accreditation.

(b) Application for accreditation of a training provider for a refresher training course under reciprocity. To obtain KDHE accreditation by reciprocity to offer refresher training in any occupation, a training provider shall submit a completed application to KDHE. Completed applications shall be mailed to the Kansas department of health and environment.

The application shall include the following:

(1) A completed training course accreditation application on a form provided by KDHE, which shall include the following:

(A) The training provider's name, address, and telephone number;

(B) the name and date of birth of the training manager;

(C) the name and date of birth of the principal instructor for each course;

(D) a list of locations at which training will take place;

(E) a list of courses for which the training provider is applying for accreditation; and

(F) a statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(2) the course agenda;

(3) the course examination blueprint;

(4) a copy of the quality control plan as described in paragraph (d)(8) of K.A.R. 28-72-4;

(5) a copy of a sample course completion certificate as described in paragraph (d)(7) of K.A.R. 28-72-4;

(6) a description of the facilities and equipment to be used for lectures and hands-on training;

(7) a check or money order for the applicable nonrefundable refresher fees specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization, and is therefore exempt from payment of these fees;

(8) documentation supporting the training manager's and principal instructor's qualifications; and

(9) documentation of accreditation by one or more other states in the refresher course for which the training provider is applying for accreditation.

(c) The good standing requirements in K.A.R. 28-72-4(a), the procedures for issuance or denial of accreditation in K.A.R. 28-72-4(c), the requirements for accreditation of a training provider for a training course in K.A.R. 28-72-4(d), the training, education, and experience require-

ments for training managers and principal instructors in K.A.R. 28-72-4(e) and (f), and provisions relating to restriction, suspension, or revocation of accreditation in K.A.R. 28-72-4(g) shall apply to all training providers applying for accreditation of one or more training courses or refresher training courses by reciprocity, as applicable.

(d)(1) Unless sooner revoked, a training provider's reciprocal accreditation, including refresher training accreditation, shall expire two years after the date of issuance. If a training provider meets the requirements of this regulation and K.A.R. 28-72-4, 28-72-4a, and, if applicable, 28-72-4c, the training provider shall be reaccredited.

(2) Each training provider seeking reciprocal reaccreditation shall submit an application to KDHE at least 60 calendar days before its accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.

(3) The training provider's application for reaccreditation shall contain the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for reaccreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a list of courses for which the training provider is applying for reaccreditation;

(C) a description of any changes to the training facility, equipment, or course materials since its last application was approved that adversely affect the students' ability to learn; and

(D) a check or money order made payable to the Kansas department of health and environment for the applicable nonrefundable reaccreditation fees specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore fee exempt from these fees.

(4) If the training provider has allowed its accreditation to expire and the training provider desires to be accredited, it shall reapply in the same manner as that required for an application for an original accreditation in accordance with this rule and regulation. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

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28-72-4e. Training provider accreditation; refresher training course. (a) Application for accreditation of a training provider for a refresher training course. A training provider may seek accreditation to offer refresher training courses in any occupation. To obtain KDHE accreditation to offer refresher training, a training provider shall meet the following minimum requirements:

(1) Each refresher course shall review the curriculum topics of the full-length courses listed in K.A.R. 28-72-4a as appropriate. In addition, each training provider shall ensure that the refresher course of study includes, at a minimum, the following:

(A) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation;

(B) current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation; and

(C) current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation.

(2) Each refresher course, except for the project designer course, shall last a minimum of eight training hours. The project designer refresher course shall last a minimum of four training hours.

(3) For each refresher training course offered, the training provider shall conduct a hands-on assessment, if applicable.

(4) For each refresher training course offered, the training provider shall conduct a course exam at the completion of the course.

(b) Any training provider may apply for accreditation of a refresher training course concurrently with its application for accreditation of the corresponding training course as described in K.A.R. 28-72-4. If so, the procedures and requirements specified in K.A.R. 28-72-4 shall be used by KDHE for accreditation of the refresher course and the corresponding training course.

(c) A training provider seeking accreditation to offer only refresher training courses shall submit a written application to KDHE.

(1) Completed applications shall be mailed to the Kansas department of health and environment.

(2) The application shall include the following:

(A) A completed training course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for accreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-

4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a copy of the student and instructor manuals;

(C) the course agenda;

(D) the course examination blueprint;

(E) a copy of the quality control plan as described in paragraph (d)(8) of K.A.R. 28-72-4;

(F) a copy of a sample course completion certificate as described in paragraph (d)(7) of K.A.R. 28-72-4;

(G) a description of the facilities and equipment to be used for lecture and hands-on training;

(H) a check or money order for either of the following nonrefundable fees, unless the training provider is exempt from these fees because the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization:

(i) The \$500 fee for the refresher course for risk assessor and lead inspector classes; or

(ii) the \$500 fee for the refresher course for lead abatement supervisor, project designer, and abatement worker.

(c) The good standing requirements in K.A.R. 28-72-4(a), procedures for training provider accreditation issuance or denial in K.A.R. 28-72-4(c), the requirements for accreditation of a training provider for a training course, the training, education, and experience requirements for training managers and principal instructors in K.A.R. 28-72-4(e) and (f), and provisions relating to restriction, suspension, or revocation of accreditation in K.A.R. 28-72-4(g) shall apply to all training providers applying for the accreditation of refresher training courses.

(d)(1) Unless sooner revoked, a training provider's accreditation, including refresher training courses, shall expire two years after the date of issuance. If a training provider meets the requirements of subsections (a), (c), and (d) of this regulation, the training provider shall be reaccredited.

(2) Each training provider seeking reaccreditation of one or more refresher training courses shall submit an application to KDHE at least 60 calendar days before its accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.

(3) The training provider's application for reaccreditation shall contain the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of refresher training courses for which the training provider is applying for reaccreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of

the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4, 28-72-4a, and 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a list of refresher training courses for which it is applying for reaccreditation;

(C) a description of any changes to the training facility, equipment, or course materials since its last application was approved that adversely affects the students' ability to learn; and

(D) a check or money order made payable to the Kansas department of health and environment for the non-refundable fees specified in K.A.R. 28-72-3, as applicable, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from these fees.

(5) If the training provider has allowed its accreditation to expire and the provider desires to be accredited, it shall reapply in the same manner as that required for an application for an original accreditation in accordance with this rule and regulation. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-5. Application process and requirements for the certification of lead inspectors. (a) Application for a lead inspector certificate.

(1) Each applicant for a lead inspector certificate shall submit a completed application to KDHE before consideration for certification issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the national third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and dates of course completion;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE- or EPA-accredited lead inspector training program completion certificate, and any required refresher completion certificates;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for lead inspectors; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a lead inspector certificate shall apply to KDHE within one year of the applicant's successful completion of the KDHE- or EPA-accredited lead inspector training course, as indicated on the certificate of completion. Applicants failing to apply within one year from the date on the training course completion certificate shall, before making application for certification, successfully complete the eight-hour lead inspector refresher training course accredited by the KDHE or EPA.

(4) An applicant who fails to apply within two years of the lead inspector training and who has not successfully completed refresher training shall successfully complete the KDHE- or EPA-accredited lead inspector training course before submitting an application for a lead inspector certificate.

(B) Application for a lead inspector certificate under reciprocity.

(1) An applicant for a lead inspector certificate by reciprocity shall submit a completed application to KDHE before consideration for certification issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, and certification

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number, and copies of the other states' certification or license certificate;

(viii) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and date of course completion;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training, education, and experience requirements for a lead inspector certificate.

(1) Each applicant for certification as a lead inspector shall complete a KDHE- or EPA-accredited lead inspector training program and pass the course examination and the national third-party examination, each with a score of 70% or more.

(2) Each applicant for certification as a lead inspector shall meet the minimum education or experience requirements for a certified lead inspector.

(A) The minimum education or experience requirements for a certified lead inspector shall include at least one of the following:

(i) A bachelor's degree;

(ii) an associate's degree and one year of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work; or

(iii) a high school diploma or certificate of high school equivalency (GED) and two years of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Official academic transcripts of diplomas as evidence of meeting the education requirements;

(ii) resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements; and

(iii) course completion certificates issued by the KDHE- or EPA-accredited training provider as evidence of meeting the training requirements.

(d) Procedure for issuance or denial of a lead inspector certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) When an application for certification is denied, the written notice of denial to the applicant shall specify the reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to achieve a passing score on the national third-party exam after three attempts;

(v) failure to submit a complete application;

(vi) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vii) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200, both revised as of July 1, 1998 and both of which are adopted by reference;

(viii) fraud or failure to disclose facts relevant to the application;

(ix) permitting the duplication or use by another of the individual's certificate;

(x) any other information that may affect the applicant's ability to appropriately perform lead inspections; or

(xi) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead inspector certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the administrative hearing commission as provided by the Kansas administrative procedure act.

(2) Within 180 calendar days of application approval, the applicant shall attain a passing score on the national third-party examination for lead inspectors.

(A) An applicant shall not sit for the national third-party examination for lead inspectors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

(B) The applicant's failure to obtain a passing score on the national third-party examination for lead inspectors within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the KDHE- or EPA-accredited lead inspector training course.

(3) After the applicant passes the national third-party examination, a two-year lead inspector certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant or certified individual and KDHE. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-6. Application process and requirements for the certification of risk assessors. (a) Application for a risk assessor certificate.

(1) Each applicant for a risk assessor certificate shall submit a completed application to KDHE before consideration for certification issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the national third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and dates of course completion;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE- or EPA-accredited risk assessor training program completion certificate, and any required refresher completion certificates;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for risk assessors; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a risk assessor certificate shall apply to KDHE within one year of the applicant's successful completion of the KDHE- or EPA-accredited risk assessor training course, as indicated on the certificate of completion. Applicants failing to apply within one year from the date on the training course completion certificate shall, before making application for certification, successfully complete the eight-hour risk assessor refresher training course accredited by the KDHE or EPA.

(4) An applicant who fails to apply within two years of the risk assessor training and who has not successfully completed refresher training shall successfully complete the KDHE- or EPA-accredited risk assessor training course before submitting an application for a risk assessor certificate.

(b) Application for risk assessor certificate under reciprocity.

(1) Each applicant for risk assessor certificate by reciprocity shall submit a completed application to KDHE before consideration for certification issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the name of other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) any certification by the EPA, including the EPA region number, type of certification, certification expiration

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tion date, certification number, and copy of the EPA certificate;

(ix) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(x) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training, education, and experience requirements for a risk assessor certificate.

(1) Each applicant for a certificate as a risk assessor shall complete KDHE- or EPA-accredited risk assessor training program and pass both the course examination and the national third-party examination, each with a score of 70% or more.

(2) Each applicant for a certificate as a risk assessor shall meet the minimum education and experience requirements for a certified risk assessor.

(A) The minimum education and experience requirements for a certified risk assessor shall include at least one of the following:

(i) A bachelor's degree and at least one year of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work;

(ii) an associate's degree and two years of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work;

(iii) certification as an industrial hygienist, professional engineer, or registered architect, or certification in a related engineering, health, or environmental field, including a safety professional and environmental scientist; or

(iv) a high school diploma or certificate of high school equivalency (GED) and three years of experience in a field, including housing repair and inspection, and lead, asbestos, and environmental remediation work.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Official academic transcripts or diplomas as evidence of meeting the education requirements;

(ii) resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;

(iii) course completion certificates issued by the KDHE- or EPA-accredited training provider as evidence of meeting the training requirements; and

(iv) appropriate documentation of certifications or registrations.

(d) Procedure for issuance or denial of a risk assessor certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) When an application for certification is denied, the written notice of denial to the applicant shall specify the reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to achieve a passing score on the national third-party exam after three attempts;

(v) failure to submit a complete application;

(vi) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vii) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200;

(viii) fraud or failure to disclose facts relevant to the application;

(ix) permitting the duplication or use by another of the individual's certificate;

(x) any other information that may affect the applicant's ability to appropriately perform risk assessments; or

(xi) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a risk assessor certificate by submitting a complete lead occupation application form with another non-refundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) Within 180 calendar days of application approval, the applicant shall attain a passing score on the national third-party examination for risk assessors.

(A) An applicant shall not sit for the national third-party examination for risk assessors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

(B) The applicant's failure to obtain a passing score on the national third-party examination for risk assessors within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the KDHE- or EPA-accredited risk assessor training course.

(3) After the applicant passes the national third-party examination, a two-year risk assessor certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-7. Application process and requirements for the certification of lead abatement workers. (a) Application for a lead abatement worker certificate.

(1) Each applicant for a lead abatement worker certificate shall submit a completed application to KDHE before consideration for certification issuance. Each application for certification shall be received by KDHE within one year of successful completion of the lead abatement worker training course. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and dates of course completion; and

(x) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the

applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE- or EPA-accredited lead abatement worker training program completion certificate, and any required refresher completion certificates;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(D) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a lead abatement worker certificate shall apply to KDHE within one year of the applicant's successful completion of the KDHE- or EPA-accredited lead abatement worker training course, as indicated on the certificate of completion. Applicants failing to apply within one year from the date on the training course completion certificate shall, before making application for certification, successfully complete the eight-hour lead abatement worker refresher training course accredited by the KDHE or EPA.

(4) An applicant who fails to apply within two years of the lead abatement worker training and who has not successfully completed refresher training shall successfully complete the KDHE- or EPA-accredited lead abatement worker training course before submitting an application for a lead abatement worker certificate.

(b) Application for a lead abatement worker certificate under reciprocity.

(1) Each applicant for a lead abatement worker certificate by reciprocity shall submit a completed application to KDHE before consideration for certification issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate; and

(ix) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the

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applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training requirements for a lead abatement worker's certificate. Each applicant for a certificate as a lead abatement worker shall complete a KDHE- or EPA-accredited lead abatement worker training program and pass the course examination with a score of 70% or more. The applicant shall submit a course completion issued by the KDHE- or EPA-accredited training provider as evidence of meeting this requirement.

(d) Procedure for issuance or denial of a lead abatement worker certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) When an application for certification is denied, the written notice of denial to the applicant shall specify the reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to submit a complete application;

(v) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vi) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200;

(vii) fraud or failure to disclose facts relevant to the application;

(viii) permitting the duplication or use by another of the individual's certificate;

(ix) any other information that may affect the applicant's ability to appropriately perform lead abatement worker activities; or

(x) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or dis-

continuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead abatement worker certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) If the application is approved, a two-year lead abatement worker certificate and a photo identification badge shall be issued by KDHE.

(3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-3. Application process and requirements for the certification of lead abatement supervisors. (a) Application for a lead abatement supervisor certificate.

(1) Each applicant for a lead abatement supervisor certificate shall submit a completed application to KDHE before consideration for certification issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the national third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and dates of course completion;

(x) any employment history or education that meets the experience requirements specified in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE- or EPA-accredited lead abatement supervisor training program completion certificate, and any required refresher completion certificates;

(C) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for lead abatement supervisors; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a lead abatement supervisor certificate shall apply to KDHE within one year of the applicant's successful completion of the KDHE- or EPA-accredited lead abatement supervisor training course, as indicated on the certificate of completion. Applicants failing to apply within one year from the date on the training course completion certificate shall, before making application for certification, successfully complete the eight-hour lead abatement supervisor refresher training course accredited by the KDHE or EPA.

(4) An applicant who fails to apply within two years of the lead abatement supervisor training and who has not successfully completed refresher training shall successfully complete the KDHE- or EPA-accredited lead abatement supervisor training course before submitting an application for a lead abatement supervisor certificate.

(b) Application for a lead abatement supervisor certificate under reciprocity.

(1) Each applicant for a lead abatement supervisor certificate by reciprocity shall submit a completed application to KDHE before consideration for certification issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate;

(ix) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(x) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training and experience requirements for a lead abatement supervisor certificate.

(1) Each applicant for a certificate as a lead abatement supervisor shall complete a KDHE- or EPA-accredited lead abatement supervisor training program and pass the course examination and the national third-party examination, each with a score of 70% or more.

(2) Each applicant for a certificate as a lead abatement supervisor shall meet the minimum experience requirements for a certified lead abatement supervisor.

(A) The minimum experience requirements for a lead abatement supervisor certificate shall include at least one of the following:

(i) At least one year of experience as a certified lead abatement worker certified by Kansas, EPA, or an EPA-approved state;

(ii) at least two years of experience in asbestos abatement work as a construction manager or superintendent; or

(iii) at least two years of experience as a manager for environmental hazard remediation projects.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Resumes, letters of reference, or documentation of work experience, which shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;

(ii) course completion certificates issued by the KDHE- or EPA-accredited training provider as evidence of meeting the training requirements; and

(iii) a copy of the lead abatement supervisor certificate or identification badge as evidence of having been a certified lead abatement supervisor.

(d) Procedure for issuance or denial of a lead abatement supervisor certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

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(i) Within 30 days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) When an application for certification is denied, the written notice of denial to the applicant shall specify the reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to achieve a passing score on the national third-party exam after three attempts;

(v) failure to submit a complete application;

(vi) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vii) three or more violations within the past two years of 29 CFR 1926-62 or 29 CFR 1910.1200;

(viii) fraud or failure to disclose facts relevant to the application;

(ix) permitting the duplication or use by another of the individual's certificate;

(x) any other information that may affect the applicant's ability to appropriately perform abatement supervisor activities; or

(xi) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead abatement supervisor certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) Within 180 calendar days of application approval, the applicant shall attain a passing score on the national third-party examination for lead abatement supervisors.

(A) An applicant shall not sit for the national third-party examination for lead abatement supervisors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

(B) The applicant's failure to obtain a passing score on the national third-party examination for lead abatement supervisors within the 180-day period following the no-

tice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the KDHE- or EPA-accredited lead abatement supervisor training course.

(3) After the applicant passes the national third-party examination, a two-year lead abatement supervisor certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-9. Application for the certification of project designers. (a) Application for a project designer certificate.

(1) Each applicant for a project designer certificate shall submit a completed application to KDHE before consideration for certification issuance. Each application for certification shall be received by KDHE within one year of successful completion of the project designer training course. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the location where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(viii) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and dates of course completion;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE- or EPA-accredited project designer training program completion certificate, and any required refresher completion certificates;

(C) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for project designers; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a project designer certificate shall apply to KDHE within one year of the applicant's successful completion of the KDHE- or EPA-accredited project designer training course, as indicated on the certificate of completion. Applicants failing to apply within one year from the date on the training course completion certificate shall, before making application for certification, successfully complete the four-hour project designer refresher training course accredited by the KDHE or EPA.

(4) An applicant who fails to apply within two years of the project designer training and who has not successfully completed refresher training shall successfully complete the KDHE- or EPA-accredited project designer training course before submitting an application for a project designer certificate.

(b) Application for project designer certificate under reciprocity.

(1) Each applicant for a project designer certificate by reciprocity shall submit a completed application to KDHE before consideration for certification issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead occupation certificate application form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the location where the applicant would like to receive correspondence regarding the application or certification;

(v) the occupation for which the applicant wishes to be certified;

(vi) any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, and certification number, and copies of the other states' certification or license certificate;

(vii) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate; and

(viii) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training, education, and experience requirements for a project designer certificate.

(1) Each applicant for a certificate as a project designer shall complete a KDHE- or EPA-accredited lead abatement supervisor training program and a KDHE- or EPA-accredited project designer course and pass both course examinations, each with a score of at least 70%.

(2) Each applicant for a certificate as a project designer shall meet the minimum education and experience requirements for a certified project designer.

(A) The minimum education and experience requirements for a certified project designer shall include at least one of the following:

(i) A bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design;

(ii) at least one year of experience as a certified project designer, certified by Kansas, EPA, or an EPA-approved state, and at least two years of experience in building construction and design; or

(iii) at least four years of experience in building construction and design.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Official academic transcripts or diplomas, as evidence of meeting the education requirements;

(ii) resumes, letters of reference, or documentation of work experience, which shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;

(iii) course completion certificates issued by the KDHE- or EPA-accredited training provider as evidence of meeting the training requirements; and

(iv) a copy of the project designer certificate or identification badge as evidence of having been a certified project designer.

(d) Procedure for issuance or denial of a project designer certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE

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in writing that the application is either approved or denied.

(B) When an application for certification is denied, the written notice of denial to the applicant shall specify the reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

- (i) Failure to satisfy education or experience requirements;
 - (ii) the type and amount of training;
 - (iii) false or misleading statements in the application;
 - (iv) failure to submit a complete application;
 - (v) three or more citations for violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;
 - (vi) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200;
 - (vii) fraud or failure to disclose facts relevant to the application;
 - (viii) permitting the duplication or use by another of the individual's certificate;
 - (ix) any other information that may affect the applicant's ability to appropriately perform project designer activities; or
 - (x) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.
- (C) If an application is denied, the applicant may reapply to KDHE for a project designer certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) If the application is approved, a two-year project designer certificate and a photo identification badge shall be issued by KDHE.

(3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-10. Application process and licensure renewal requirements for lead activity firms. (a) Application for a lead activity firm license.

(1) Each applicant for a lead activity firm license shall submit a completed application to KDHE before consideration for license issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead activity firm application on a form provided by KDHE, which shall include the following:

(i) The applicant's name, address, and telephone number;

(ii) if the applicant is a sole proprietorship, the applicant's social security number;

(iii) the county or counties in which the applicant is located;

(iv) a description of any lead-based paint activities that the applicant will be conducting, including lead inspection, risk assessments, lead abatement projects, and project design;

(v) a certification that the lead activity firm will employ only appropriately Kansas certified individuals to conduct lead-based paint activities; and

(vi) a certification that the lead activity firm and its employees will follow the Kansas work practice standards for lead-based paint activities specified in K.A.R. 28-72-13 through K.A.R. 28-72-21;

(B) if the applicant is a corporation, a copy of its registration with the Kansas secretary of state's office. Every corporation desiring a license as a lead activity firm under the act shall be registered and in good standing with the Kansas secretary of state's office;

(C) if the applicant conducts business under a fictitious name, a copy of its fictitious name registration, which shall be registered with the Kansas secretary of state's office; and

(D) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3, unless the lead activity firm is exempt from this fee because the firm is a state, federally recognized Indian tribe, local government, or nonprofit organization.

(b) Application for a lead activity firm under reciprocity.

(1) Each applicant for a lead activity firm license by reciprocity shall submit an application to KDHE. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead activity firm application on a form provided by KDHE, which shall include the following:

(i) The applicant's name, address, and telephone number;

(ii) if the applicant is a sole proprietorship, the applicant's social security number;

(iii) the county or counties in which the applicant is located;

(iv) any lead-based paint activities that the applicant will be conducting, including lead inspection, risk assessments, lead abatement projects, and project design;

(v) a certification that the lead activity firm will employ only appropriately Kansas-certified individuals to conduct lead-based paint activities; and

(vi) a certification that the lead activity firm and its employees will follow the Kansas work practice standards for lead-based paint activities specified in this article;

(B) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3, unless the lead activity firm is exempt from this fee because the firm is a state, federally recognized Indian tribe, local government, or nonprofit organization.

(c) Procedure for issuance or denial of a lead activity firm license.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the firm's application for licensure.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) When an application for licensure is denied, the written notice of denial to the applicant shall specify the reasons for the denial. Licensure may be denied by KDHE for any of the following reasons:

(i) False or misleading statements in the application;

(ii) failure to submit a complete application;

(iii) three or more citations or violations within the past two years, by the firm's president, officers, or employees, of any existing local, state, or federal lead-based paint activity regulations or standards;

(iv) three or more violations within the past two years by the firm's president, officers, or employees of 29 CFR 1926.62 or 29 CFR 1910.1200;

(v) fraud or failure to disclose facts relevant to the application;

(vi) permitting the duplication or use by another of the firm's license;

(vii) any other information that may affect the applicant's ability to appropriately perform lead abatement activities; or

(viii) final disciplinary action, or any violation of lead-based paint activity standards, against the firm by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the firm, including the denial of licensure, surrender of the license, allowing the license to expire, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead activity firm license by submitting a complete lead activity firm application form with another nonrefundable license fee, as specified in K.A.R. 28-72-3.

(D) After notice of a complete application, a two-year lead activity firm license shall be issued by KDHE.

(E) If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(F) A license may be issued with specified restrictions pursuant to an agreement between the applicant or licensed firm and KDHE.

(2) Change of ownership. If a licensed lead activity firm changes ownership, the new owner shall notify KDHE in writing no later than 30 calendar days before

the change of ownership becomes effective. The notification shall include a new lead activity firm license application, the appropriate fee, and the date that the change of ownership will become effective. The new lead activity firm application shall be processed in the same manner as that required for an initial license, in accordance with this regulation. The current lead activity firm's license shall expire on the effective date set forth in the notification of the change of ownership.

(3) Renewal application for a lead activity firm license. A completed application for a lead activity firm license renewal shall be mailed to KDHE at least 60 days before the expiration date on the license, accompanied by the nonrefundable renewal fee specified in K.A.R. 28-72-3. However, any lead activity firm that is a state, federally recognized Indian tribe, local government, or nonprofit organization shall be exempt from payment of this fee. If the licensee fails to apply 60 days before the license expiration date, renewal of the license before the end of the licensing period shall not be guaranteed by KDHE.

(4) Expiration of license. If a licensed lead activity firm allows its license to expire, the firm shall be required to submit an application in the same manner as that required for an application for an initial license, in accordance with this regulation. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, 6, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-11. Renewal of lead occupation certificates.

(a) Renewal application for lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, and project designer.

(1) An individual shall submit a completed application for renewal of certificate, including the required supporting documentation, to KDHE at least 60 days before the certificate's expiration date as indicated on the certificate. Failure of the certified individual to submit an application at least 60 days before the certificate's expiration date may result in certificate not being renewed before the current license expires.

(2) The certified individual applying for renewal shall complete the eight-hour KDHE- or EPA-accredited training course for the appropriate occupation.

(3) The renewal application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the certified individual's social security number;

(iv) the county or counties in which the certified individual is employed;

(v) the location where the certified individual would like to receive correspondence regarding the certification;

(vi) the lead occupation certificate that the applicant wishes to have renewed;

(vii) the type of refresher training course completed, including the name of the training provider, certificate

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identification number, and date of course completion; and

(viii) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE- or EPA-accredited refresher training program completion certificate for the appropriate occupation;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(D) a check or money order made payable to KDHE for the appropriate nonrefundable recertification fee, as specified in K.A.R. 28-72-3.

(b) Procedure for issuance or denial of a renewal lead occupation certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the renewal application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for recertification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) When a renewal application for certification is denied, the written notice of denial to the applicant shall specify the reasons for denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to submit a complete application;

(v) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vi) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200;

(vii) fraud or failure to disclose facts relevant to the application;

(viii) permitting the duplication or use by another of the individual's training certificate;

(ix) any other information that may affect the applicant's ability to appropriately perform lead abatement activities; or

(x) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender

of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If a renewal application is denied, the applicant may reapply to KDHE for a lead occupation certificate by submitting a complete lead occupation application form with the appropriate nonrefundable recertification fee, as specified in K.A.R. 28-72-3.

(2) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(3) After notice of a complete renewal application, a two-year certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the certified individual and KDHE. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 5, and 9; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-12. Application process and requirements for reapplication after certificate expiration. (a) Unless sooner renewed or revoked, a certificate shall expire within two years from its effective date indicated on the current certificate. If a certified individual allows the certificate to expire before renewal, the certified individual shall reapply to KDHE. Completed applications shall be mailed to KDHE.

(b) The application shall include the following:

(1) A completed lead occupation certificate form provided by KDHE, which shall include the following:

(A) The applicant's full legal name, home address, and telephone number;

(B) the name, address, and telephone number of the applicant's current employer;

(C) the applicant's social security number;

(D) the county or counties in which the applicant is employed;

(E) the location where the applicant would like to receive correspondence regarding the application or certification;

(F) the occupation for which the applicant wishes to be certified;

(G) any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, and certification number, and copies of other states' certification or license certificate;

(H) any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certification number, and copy of the EPA certificate;

(I) the type of training completed, including the name of the training provider, certificate identification number, and date of course completion;

(J) any employment history or education that meets the experience requirements in K.A.R. 28-72-5 through 28-72-9, as applicable; and

(K) the signature of the applicant, which shall certify that all information in the application is complete and

true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(2) a copy of the KDHE- or EPA-accredited lead occupation training program completion certificate for the appropriate occupation;

(3) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(4) a check or money order made payable to KDHE for the nonrefundable certification fee appropriate to the lead occupation, as specified in K.A.R. 28-72-3.

(c)(1) Any applicant who fails to reapply before the license expiration date and who has not successfully completed refresher training shall successfully complete the appropriate KDHE- or EPA-accredited initial training course again.

(2) Any certified lead inspector, risk assessor, or lead abatement supervisor who allows the certification to expire before renewal shall retake the national third-party examination for the appropriate occupation.

(d) The procedure for issuance or denial of a certificate after its expiration shall be that specified in K.A.R. 28-72-11(b). (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-13. Work practice standards; general standards. (a) Except as provided in L. 1999, Ch. 99, Sec. 5, and amendments thereto, all lead-based paint activities, as defined in the act, shall be performed pursuant to the work practice standards contained in this article.

(b) Except as provided in L. 1999, Ch. 99, Sec. 5, and amendments thereto, when performing any lead-based paint activity that involves an inspection, lead-hazard screen, risk assessment, or abatement, a certified individual shall perform that activity in compliance with the appropriate requirements below.

(c) Conflict of interest. Certified lead inspectors and risk assessors conducting lead inspection activities shall avoid potential conflicts of interest by not being contracted, subcontracted, or employed by a lead activity firm performing lead abatement activities on the same lead abatement project.

(d)(1) Each certified individual shall comply with the following documented methodologies, which are adopted by reference, when performing any lead-based paint activity:

(A) The U.S. department of housing and urban development (HUD) "guidelines for the evaluation and control of lead-based paint hazards in housing," dated June 1995;

(B) the EPA "guidance on identification of lead-based paint hazards," published September 11, 1995; and

(C) the EPA "residential sampling for lead: protocols for dust and soil sampling" (EPA report number 747-R-95-001), published March 1995.

(2) If a conflict exists between any of the aforementioned methodologies and any federal or state statute or regulation, or any city or county ordinance, the most stringent of these shall be adhered to by the certified lead inspector or risk assessor. (Authorized by L. 1999, Ch. 99,

Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-14. Work practice standards; inspection. (a) Except as provided in L. 1999, Ch. 99, Sec. 5, and amendments thereto, an inspection shall be conducted only by a person certified by KDHE as a lead inspector or risk assessor, and all inspections shall be conducted according to the procedures in this regulation.

(b) When conducting an inspection, the lead inspector or risk assessor shall select the following locations according to the documented methodologies in K.A.R. 28-72-13 (d)(1) and shall test for the presence of lead-based paint:

(1) In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the lead inspector or risk assessor determines to have been replaced after 1978, or not to contain lead-based paint; and

(2) in a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the lead inspector or risk assessor determines to have been replaced after 1978, or not to contain lead-based paint.

(c)(1) Paint shall be sampled according to both of the following requirements:

(A) The analysis of paint to determine the presence of lead shall be conducted using the documented methodologies in K.A.R. 28-72-13 (d)(1).

(B) All collected paint chip samples shall be analyzed according to K.A.R. 28-72-19 of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(2) The certified inspector or risk assessor shall prepare an inspection report, which shall include the following information:

(A) The date of each inspection;

(B) the address of the building;

(C) the date of the construction;

(D) apartment numbers, if applicable;

(E) the name, address, and telephone number of the owner or owners of each residential dwelling;

(F) the name, signature, and certification number of each certified lead inspector or risk assessor, or both, conducting testing;

(G) the name, address, and telephone number of the licensed lead activity firm employing each lead inspector or risk assessor, or both, if applicable;

(H) each testing method and device or sampling procedure, or both, employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;

(I) a summary of laboratory results, categorized as positive or negative, and the name of each accredited laboratory that conducted the analysis, along with the laboratory's NLLAP or ELLAP certification number;

(J) floor plans or sketches of the units inspected, showing the appropriate test locations and any identifying number systems;

(continued)

(K) a summary of the substrates tested, including the identification of component, component integrity, paint condition and color, and test identification numbers associated with the results; and

(L) the results of the inspection expressed in terms appropriate to the sampling method used.

(d) Time frame for submission of reports. The inspection report shall be provided to the owner of the property within 20 business days of completion of the lead inspection. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-15. Work practice standards; lead hazard screen. (a) Except as provided in L. 1999, Ch. 99, Sec. 5, and amendments thereto, a lead hazard screen shall be conducted only by a person certified by KDHE as a risk assessor.

(b) If a lead hazard screen is conducted, the risk assessor shall conduct each lead hazard screen as follows:

(1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that may cause lead-based paint exposure to one or more children age 72 months and under shall be collected.

(2) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to achieve the following:

- (A) Determine if any deteriorated paint is present; and
- (B) locate at least two dust sampling locations.

(3) If deteriorated paint is present, each surface with deteriorated paint that is determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

(4) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, and stairwells where one or more children, age 72 months and under, are most likely to come in contact with dust.

(5) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (b)(4) of this regulation, the risk assessor shall also collect composite dust samples from common areas where one or more children, age 72 months and under, are most likely to come into contact with dust.

(c) Dust samples shall be collected and analyzed in the following manner:

(1) All dust samples shall be taken using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).

(2) All collected dust samples shall be analyzed according to K.A.R. 28-72-19 to determine if they contain detectable levels of lead that can be quantified numerically.

(d) Paint shall be sampled according to both of the following requirements:

(1) The analysis of paint to determine the presence of lead shall be conducted using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).

(2) All collected paint chip samples shall be analyzed according to K.A.R. 28-72-19 to determine if they contain

detectable levels of lead that can be quantified numerically.

(e) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

- (1) The date of the assessment;
- (2) the address of each building;
- (3) the date of construction of each building;
- (4) the apartment number, if applicable;
- (5) the name, address, and telephone number of each owner of each building;

(6) the name, signature, and certification number of the certified risk assessor conducting the assessment;

(7) the name, address, and telephone number of each recognized laboratory conducting analysis of collected samples, along with the laboratory's NLLAP or ELLAP certification number;

(8) the results of the visual inspection;

(9) the testing method and sampling procedure employed for the paint analysis;

(10) specific locations of each paint component tested for the presence of lead;

(11) all data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;

(12) all results of laboratory analysis on collected paint, soil, and dust samples;

(13) any other sampling results;

(14) any background information collected regarding the physical characteristics of the residential dwelling or multi-family dwelling and occupant-use patterns that may cause lead-based paint exposure to one or more children age 72 months and under; and

(15) recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

(f) Time frame for submission of reports. The lead hazard screen report shall be provided to the owner of the property within 20 business days of completion of the lead inspection. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-16. Work practice standards; risk assessment. (a) Except as provided by L. 1999, Ch. 99, Sec. 5, and amendments thereto, a risk assessment shall be conducted only by a person certified by KDHE according to K.A.R. 28-72-2 and 28-72-5 through 28-72-12 as a risk assessor and, if conducted, shall be conducted according to the procedures in this regulation.

(b) A visual inspection of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and assess other potential lead-based paint hazards.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that may cause lead-based paint exposure to one or more children age 72 months and under shall be collected.

(d) Each surface with deteriorated paint that is determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be in poor condition

and to have a distinct painting history, shall be tested for the presence of lead. Each other surface determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be a potential lead-based paint hazard and to have a distinct painting history shall also be tested for the presence of lead.

(e) In residential dwellings, dust samples, either composite or single-surface samples, from the window and floor shall be collected in all living areas where one or more children, age 72 months and under, are most likely to come into contact with dust.

(f) For multi-family dwellings and child-occupied facilities, the samples required in subsection (e) of this regulation shall be taken. In addition, window and floor dust samples, either composite or single-surface samples, shall be collected in the following locations:

(1) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and

(2) other common areas in the building where the risk assessor determines that one or more children, age 72 months and under, are likely to come into contact with dust.

(g) For child-occupied facilities, window and floor dust samples, either composite or single-surface samples, shall be collected in each room, hallway, or stairwell utilized by one or more children, age 72 months and under, and in other common areas in the child-occupied facility where the risk assessor determines that one or more children, age 72 months and under, are likely to come into contact with dust.

(h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(1) Exterior play areas where bare soil is present; and
(2) dripline or foundation areas where bare soil is present.

(i) All paint, dust, or soil sampling or testing shall be conducted using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).

(j) All collected paint chip, dust, or soil samples shall be analyzed according to K.A.R. 28-72-19 to determine if they contain detectable levels of lead that can be quantified numerically.

(k) The certified risk assessor shall prepare a risk assessment report, which shall include the following information:

- (1) The date of the assessment;
- (2) the address of each building;
- (3) the date of construction of the building;
- (4) the apartment number, if applicable;
- (5) the name, address, and telephone number of each owner of each building;
- (6) the name, signature, and certification number of the certified risk assessor conducting the assessment;
- (7) the name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples, along with the laboratory's NLLAP or ELLAP certification number;
- (8) the results of the visual inspection;
- (9) the testing method and sampling procedure used for each paint analysis;
- (10) specific locations of each painted component tested for the presence of lead;

(11) all data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;

(12) all results of laboratory analysis on collected paint, soil, and dust samples;

(13) any other sampling results;

(14) any background information collected pursuant to subsection (c) of this regulation;

(15) to the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards;

(16) a description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards; and

(17) a description of interim controls or abatement options, or both, for each identified lead-based paint hazard and the suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(1) Time frame for submission of reports. The risk assessment report shall be provided to the owner of the property within 20 business days of completion of the lead inspection. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-17. Work practice standards; elevated blood lead level investigation risk assessments. (a) In order to perform an elevated blood lead (EBL) level investigation risk assessment, the risk assessor shall have a certificate from KDHE.

(b) The risk assessor shall have the parents or guardians of the EBL child complete an approved KDHE questionnaire before sampling. Environmental testing shall be linked to the EBL child's history and may include the testing of a prior residence or other areas frequented by the EBL child.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that may cause lead-based paint exposure to one or more children age 72 months and under shall be collected.

(d) Each surface on the dwelling itself, furniture, or play structures frequented by the EBL child that has deteriorated surface coatings shall be tested for the presence of lead.

(e) Dust samples from areas frequented by the EBL child, including play areas, porches, kitchens, bedrooms, and living and dining rooms, shall be collected. Dust samples shall also be collected from automobiles, work shoes, and laundry rooms if occupational lead exposure is a possibility.

(f) Soil samples shall be collected from bare soil areas of play, areas near the foundation of the house, and areas from the yard. If the EBL child spends significant time at the park or other play area, samples shall be collected from these areas, unless the area has already been sampled and documented.

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(g) If necessary, water samples of the first-drawn water from the tap most commonly used for drinking water, infant formula, or food preparation shall be collected.

(h) All paint, dust, and soil collection and testing shall be conducted using the documented methodologies in K.A.R. 28-72-13 (d)(1). (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-18. Work practice standards; lead abatement. (a) Except as provided in L. 1999, Ch. 99, Sec. 5, and amendments thereto, a lead abatement shall be conducted only by an individual certified by KDHE and shall be conducted according to the procedures specified in this article.

(b) A certified lead abatement supervisor shall be required for each lead abatement project and shall be on-site during all work-site preparation and during the post-abatement cleanup or work areas. At all other times when lead abatement activities are being conducted, the certified lead abatement supervisor shall be on-site or available by telephone, pager, or answering service, and shall be able to be present at the work site in no more than one hour.

(c) The certified lead abatement supervisor and licensed lead activity firm employing that supervisor shall ensure that all lead abatement activities are conducted according to the requirements of the Kansas work practice standards in this article and all other federal, state, and local requirements.

(d) Notification of the commencement of lead-based paint abatement activities in a residential dwelling or child-occupied facility or as the result of a federal, state, or local order shall be given to the KDHE before the commencement of abatement activities. The procedure for this notification shall be as follows:

(1) Any person or lead activity firm conducting a lead abatement project in target housing or in any child-occupied facility shall submit a notification to the KDHE at least 10 business days before the onset of the lead abatement project.

(2) The notification shall be mailed to KDHE with a check or money order made payable to the Kansas department of health and environment for the nonrefundable project fee specified in K.A.R. 28-72-3.

(3) The notification form provided by the department shall include the following:

(A) The street address, city, state, zip code, and county of each location where lead abatement will occur;

(B) the name, address, and telephone number of the property owner;

(C) an indication of the type of structure being abated, including single- or multi-family dwelling, child-occupied facility, or any combination of these types;

(D) the date of the onset of the lead abatement project;

(E) the estimated completion date of the lead abatement project;

(F) the work days and hours of operation during which the lead abatement project will be conducted;

(G) the name, address, telephone number, and license number of the lead activity firm;

(H) the name and certificate number of each lead abatement worker;

(I) the type or types of lead abatement strategy or strategies that will be utilized, including enclosure, encapsulation, replacement, removal, or any combination of these strategies;

(J) the signature of each lead abatement supervisor, which shall certify that all information provided in the project notification is complete and true to the best of the supervisor's knowledge; and

(K) a written certification from the lead abatement supervisor, within 10 days after successfully achieving clearance, that clearly states that all abatement control options were conducted in accordance with all local, state, and federal regulations, as well as in accordance with the preabatement notification letter submitted to KDHE.

(e) Emergency notification. If the lead activity firm is unable to comply with the 10-day notification period in the event of an emergency situation, the lead activity firm shall perform the following:

(1) Notify KDHE by telephone, facsimile, or electronic mail within 24 hours of the onset of the lead abatement project; and

(2) submit written notification and payment of fees as described in subsection (d) of this regulation no more than five business days after the onset of the lead abatement project.

(f) A written occupant protection plan, which shall be unique to each residential dwelling or child-occupied facility, shall be developed before the lead abatement begins. The occupant protection plan shall describe the measures and management procedures that will be taken during the lead abatement to protect the building occupants from exposure to any lead-based paint hazards.

(1) The certified lead abatement supervisor or project designer responsible for the project shall prepare the occupant protection plan.

(2) The occupation protection plan shall meet the following requirements:

(A) Describe the work practices and strategies that will be taken during the lead abatement project to protect the building occupants from exposure to any lead hazards;

(B) include the results of any lead inspections or risk assessments completed before the commencement of the lead abatement project;

(C) be provided to an adult occupant of each dwelling or dwelling unit being abated and to the property owner, or property owner's designated representative, before the commencement of the lead abatement project; and

(D) be submitted to KDHE with the lead abatement project notification.

(g) The work practices listed below shall be restricted as follows:

(1) Open-flame burning or torching of lead-based paint shall be prohibited.

(2) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint shall be prohibited unless used with high efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(3) Dry scraping of lead-based paint shall be permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or

stairwell, or totaling no more than 20 square feet on exterior surfaces.

(4) Operating a heat gun on lead-based paint shall be permitted only at temperatures below 1,100° Fahrenheit.

(5) Hydro blasting or pressurized water washing of lead-based paint without containment and water collection and filtering shall be prohibited.

(6) The use of methylene chloride-based chemical strippers shall be prohibited.

(7) Solvents that have flashpoints below 140° Fahrenheit shall be prohibited.

(8) Enclosure strategies shall be prohibited if the barrier is not warranted by the manufacturer to last at least 20 years under normal conditions or if the primary barrier is not a solid barrier.

(9) Encapsulation strategies shall be prohibited if the encapsulant is not warranted by the manufacturer to last at least 20 years under normal conditions or if the encapsulant has been improperly applied.

(h) Permissible lead abatement project strategies. Strategies that shall be permissible for lead abatement projects are the following: replacement, enclosure, encapsulation, and removal. Any lead abatement strategy not specified in this article shall be submitted to and approved by KDHE for evaluation before implementation. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-18a. Work practice standards; lead abatement: replacement. When conducting a lead abatement project using the replacement strategy, the certified lead professional or licensed firm shall meet the following minimum requirements:

(a) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified lead professionals and the general public from approaching closer than 20 feet to the replacement operation.

(b) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering not smaller than two inches tall, with additional language prohibiting entry to the regulated area by uncertified lead professionals and the general public. All signs shall be in a language that is easily recognizable by all certified lead professionals and by all members of the general public where the lead abatement activities are taking place.

(c) Any heating and cooling system within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

(d) All items shall be cleaned within the regulated area by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil poly and sealed with duct tape, to provide an airtight and watertight seal.

(e) At least two layers of 6-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least 10 feet beyond the perimeter of the component to be replaced.

(f) The component, and the area immediately adjacent to the component, shall be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means to reduce airborne dust.

(g) After removal of the component, the surface behind the removed component shall be thoroughly wetted to reduce airborne dust.

(h) The component shall be wrapped or bagged completely in 6-mil poly and sealed with duct tape to prevent loss of debris or dust.

(i) Before installing a new component, the area of replacement shall be cleaned by HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-18b. Work practice standards; lead abatement: enclosure. When conducting a lead abatement project using the enclosure strategy, the certified lead professional or licensed firm shall meet the following minimum requirements:

(a) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified lead professionals and the general public from approaching closer than 20 feet to the enclosure operation.

(b) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering not smaller than two inches tall, with additional language prohibiting entry to the regulated area by uncertified lead professionals and the general public. All signs shall be in a language that is easily recognized by all certified lead professionals and by all members of the general public where the lead abatement activities are taking place.

(c) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

(d) All items shall be cleaned within the regulated area by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil poly and sealed with duct tape.

(e) At least one layer of 6-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least 10 feet beyond the perimeter of the component to be enclosed.

(f) The surface to be enclosed shall be labeled behind the enclosure horizontally and vertically, approximately every two feet with this warning: "Danger: Lead-Based Paint," in permanent ink.

(g)(1) The enclosure shall be applied directly onto the painted surface, or a frame shall be constructed of wood or metal, using nails, staples, or screws. Glue may be used in conjunction with the aforementioned fasteners, but shall not be used alone. All enclosure items shall be tack-caulked at all edges, seams, and abutment edges.

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(2) The material used for the enclosure barrier shall be solid and rigid enough to provide adequate protection. Wallpaper, contact paper, films, folding walls, drapes, and similar materials shall not meet this requirement.

(3) Enclosure systems and their adhesives shall be designed to last at least 20 years.

(4) The substrate or building structure to which the enclosure is fastened shall be structurally sufficient to support the enclosure barrier for at least 20 years. If there is deterioration of the substrate or building structure that may impair the enclosure from remaining dust-tight for a minimum of 20 years, the substrate or building structure shall be repaired before attaching the enclosure. This deterioration may include mildew, water damage, dry rot, termite damage, or any significant structural damage.

(h) Preformed steel, aluminum, vinyl, or other construction material may be used for window frames, exterior siding, trim casings, column enclosures, moldings, or other similar components if they can be sealed.

(i) A material equivalent to 1/4-inch rubber or vinyl may be used to enclose stairs.

(j) The seams, edges, and fastener holes shall be sealed with caulk or other sealant, providing a dust-tight system.

(k) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area.

(l) Before clearance, the installed enclosure and surrounding regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.

(m) All enclosure systems used shall meet all applicable building codes, as well as fire, health, safety, and environmental regulations. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-18c. Work practice standards; lead abatement: encapsulation. (a) The encapsulation strategy of lead abatement shall not be used on the following:

(1) Friction surfaces, including window sashes and parting beads, door jambs and hinges, floors, and door thresholds;

(2) deteriorated components, including rotten wood, rusted metal, spalled or cracked plaster, or loose masonry;

(3) impact surfaces, including doorstops, window wells, and headers;

(4) deteriorated surface coatings if the adhesion or cohesion of the surface coating is uncertain or indeterminable; and

(5) incompatible coatings.

(b) When conducting a lead abatement project using the encapsulation strategy, the certified personnel or licensed firm shall comply with the following minimum requirements:

(1) The certified lead professional or licensed firm shall select an encapsulant that is a low volatile organic com-

pound (V.O.C.), that is warranted by the manufacturer to last for at least 20 years, and that complies with all applicable building codes as well as fire, health, and environmental regulations.

(2) Surfaces to be encapsulated shall have sound structural integrity with no loose, chipping, peeling, or chalking paint and no dust accumulation that cannot be cleaned, and shall be prepared according to the manufacturer's recommendations.

(3) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified lead professionals and the general public from approaching closer than 20 feet to the encapsulation operation.

(4) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering not smaller than two inches tall, with additional language prohibiting entry to the regulated area by uncertified lead professionals and the general public. All signs shall be in a language that is easily recognized by all certified lead professionals and by all members of the general public where the lead abatement activities are taking place.

(5) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

(6) All items shall be cleaned within the regulated area by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil poly sheeting and sealed with duct tape.

(7) At least two layers of 6-mil, or thicker, poly shall be placed on the ground at the base of the component and shall extend at least 10 feet beyond the perimeter of the component to be encapsulated.

(8) A patch test shall be conducted in accordance with the HUD guidelines adopted by reference in K.A.R. 28-72-13 (d)(1) before general application of the encapsulant to determine the adhesive and cohesive properties of the encapsulant on the surface to be encapsulated. The encapsulant shall be applied in accordance with the manufacturer's recommendations.

(9) After the manufacturer's recommended curing time, the entire encapsulated surface shall be inspected by a certified lead abatement supervisor or a certified project designer. Any unacceptable areas shall be evaluated to determine if a complete failure of the system is indicated, or if the system can be patched or repaired. Unacceptable areas shall be evidenced by delamination, wrinkling, blistering, cracking, cratering, and bubbling of the encapsulant.

(10) After the encapsulation is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.

(11) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-18d. Work practice standards; lead abatement: removal. (a) Acceptable removal strategies shall include the following:

(1) Manual wet strategies. Manual wet scraping or manual wet sanding shall be acceptable for the removal of lead surface coatings.

(2) Mechanical removal strategies. Using power tools that are HEPA-shrouded or locally exhausted shall be acceptable removal strategies for lead surface coatings. HEPA-shrouded or exhausted mechanical abrasion devices, including sanders, saws, drills, roto-peens, vacuum blasters, and needle guns shall be acceptable.

(3) Chemical removal strategies. Chemical strippers shall be used in compliance with manufacturer's recommendations.

(b) Soil abatement. When soil abatement is conducted, the lead-bearing soil shall be removed, tilled, or permanently covered in place as indicated in this subsection.

(1) Removed soil shall be replaced with fill material containing no more than 100 ppm of lead. If the fill material exceeds 100 ppm lead, the fill material shall be acceptable only if the lead solubility is less than 5ppm. Soil that is removed shall not be reused as topsoil in another residential yard.

(2) If tilling is selected, soil in a child-accessible area shall be tilled to a depth that results in no more than 400 ppm lead of the homogenized soil, or other concentrations approved by the department. Soil in an area not accessible to children shall be tilled to a depth that results in no more than 2,000 ppm lead of the homogenized soil, or other concentrations approved by the department.

(3) Permanent soil coverings shall include solid materials, including pavement or concrete. Grass, mulch, and other landscaping materials shall not be considered permanent covering.

(4) Soil abatement shall be conducted to prevent lead-contaminated soil from being blown from the site or from being carried away by water runoff or through percolation to groundwater.

(c) Interior removal. When conducting a lead abatement project using the removal strategy on interior surfaces, the certified lead professional or licensed firm shall meet the following minimum requirements:

(1) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified lead professionals and the general public from approaching closer than 20 feet to the removal operation.

(2) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering not smaller than two inches tall, with additional language prohibiting entrance to the regulated area by uncertified lead professionals and the general public. All signs shall be in a language that is easily rec-

ognized by all certified lead professionals and by all members of the general public where the lead abatement activities are taking place.

(3) Each heating and cooling system within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

(4) All items within the regulated area shall be cleaned by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil poly and sealed with duct tape.

(5) All windows below and within the regulated area shall be closed.

(6) A critical barrier shall be constructed.

(7) At least two layers of 6-mil, or thicker, poly, shall be placed on the floor at the base of the component and shall extend at least 10 feet beyond the perimeter of the component being abated. If the chemical strategy is used, the certified lead professional or licensed firm shall follow the manufacturer's recommendations regarding a chemical-resistant floor cover.

(8) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area.

(9) At the end of each work shift, the top layer of 6-mil poly shall be removed and used to wrap and contain the debris generated by the shift. The 6-mil poly shall then be sealed with duct tape and kept in a secured area until final disposal. The second layer of 6-mil poly shall be HEPA vacuumed, left in place, and used during the next shift. A single layer of 6-mil poly shall be placed on this remaining poly before lead abatement resumes.

(10) After the removal is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the entrance to the area and from the top to the bottom of the regulated area.

(d) Exterior removal. When conducting a lead abatement project using the removal strategy on exterior surfaces, these minimum requirements shall be met:

(1) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified lead professionals and the general public from approaching closer than 20 feet to the removal operation.

(2) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering not smaller than two inches tall, with additional language prohibiting entry to the regulated area by uncertified lead professionals. All signs shall be in a language that is easily recognized by all certified lead professionals and by all members of the general public where the abatement activities are taking place.

(3) All movable items shall be moved 20 feet from working surfaces. Items that cannot be readily moved 20

(continued)

feet from working surfaces shall be covered with 6-mil poly and sealed with duct tape.

(4) At least one layer of 6-mil, or thicker, poly shall be placed on the ground and shall extend at least 10 feet from the abated surface, plus another five feet out for each additional 10 feet in surface height over 20 feet. In addition, the poly shall meet the following criteria:

(A) Be securely attached to the side of the building, with cover provided to all ground plants and shrubs in the regulated area;

(B) be protected from tearing or perforating;

(C) contain any water, including rainfall, that may accumulate during the lead abatement; and

(D) be weighted down to prevent disruption by wind gusts.

(5) All windows in the regulated area and all windows below and within 20 feet of working surfaces shall be closed.

(6) Work shall cease if constant wind speeds are greater than 10 miles per hour.

(7) Work shall cease and cleanup shall occur if rain begins.

(8) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area.

(9) The regulated area shall be HEPA vacuumed and cleaned of lead-based paint chips, poly, and other debris generated by the abatement project work at the end of each workday. Debris shall be kept in a secured area until final disposal. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-18c. Work practice standards; postabatement clearance procedures. Except as provided in L. 1999, Ch. 99, Sec. 5, and amendments thereto, the following postabatement clearance procedures shall be performed only by a certified inspector or risk assessor:

(a) Following a lead abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces or visible amounts of dust, debris, or residue are still present. These conditions shall be eliminated before continuation of the clearance procedures.

(b) Following the visual inspection and any postabatement cleanup required by subsection (a), clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(c)(1) Dust samples for clearance purposes shall be taken using one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).

(2) Dust samples for clearance purposes shall be taken a minimum of one hour after completion of final postabatement cleanup activities.

(d) The following postabatement activities shall be conducted as appropriate, based upon the extent or manner of lead abatement activities conducted in or to the residential dwelling or child-occupied facility.

(1) After conducting a lead abatement with containment between abated and unabated areas, one dust sample shall be taken from one window, if available, and one dust sample shall be taken from the floors of no fewer

than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.

(2) After conducting a lead abatement with no containment, two dust samples shall be taken from no fewer than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window, if available, and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.

(3) Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they shall be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.

(e) The rooms, hallways, or stairwells selected for sampling shall be selected according to one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).

(f) The certified inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each dust sample with applicable clearance levels for lead in dust on floors and windows as established below in this subsection. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

Following completion of a lead abatement activity, all dust, soil, and water samples shall comply with the following clearance levels:

(1) Dust samples:

Media	Clearance Level
Floors	50 $\mu\text{g}/\text{ft}^2$
Interior windowsills	250 $\mu\text{g}/\text{ft}^2$
Window troughs and exterior horizontal surfaces	800 $\mu\text{g}/\text{ft}^2$

(2) Soil samples:

Media	Clearance Level
Bare soil (space perimeter and yard)	2,000 ppm
Bare soil (small, high-contact areas, including sand boxes and gardens)	400 ppm

(3) Water 15 ppb or 15 $\mu\text{g}/\text{L}$

(g) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted if the following conditions are met:

(1) The certified individuals who abate or clean the residential dwelling do not know which residential dwelling will be selected for the random sample.

(2) A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than five percent or 50 of the residential dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.

(3) The randomly selected residential dwellings are sampled and evaluated for the clearance according to the procedures found in this regulation.

(h) An abatement report shall be prepared by a certified lead abatement supervisor or project designer. The abatement report shall include the following information:

(1) The start and completion dates of the lead abatement;

(2) the name and address of each licensed lead activity firm conducting the lead abatement and the name of each lead abatement supervisor assigned to the lead abatement project;

(3) the occupant protection plan prepared pursuant to K.A.R. 28-72-18(f);

(4) the name, address, and signature of each certified risk assessor or lead inspector conducting clearance sampling and the date of clearance testing;

(5) the results of clearance testing and soil analysis, if applicable, and the name of each recognized laboratory that conducted the analysis;

(6) a detailed written description of the abatement, including the lead abatement methods used, locations of rooms or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures; and

(7) a written certification from the firm stating that all lead abatement activities have taken place in accordance with all applicable local, state, and federal laws and regulations.

(i) Time frame for submission of reports. The risk assessment report shall be provided to the owner of the property within 20 business days of completion of the lead inspection. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-19. Work practice standards; collection and laboratory analysis of samples. All paint chip, dust, and soil samples collected pursuant to the work practice standards contained in this article shall meet the following conditions:

(a) Be collected by persons certified by KDHE as a lead inspector or risk assessor; and

(b) be analyzed by a laboratory that is a member of the environmental lead lab accreditation program (ELLAP) and that is a successful participant in the environmental lead proficiency and analytical testing (ELPAT) program. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4 and 5; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-20. Work practice standards; composite dust sampling. Composite dust sampling may be conducted only in situations specified in K.A.R. 28-72-14, K.A.R. 28-72-15, and K.A.R. 28-72-16. If this sampling is conducted, the following requirements shall apply:

(a) Composite dust samples shall consist of at least two subsamples.

(b) Every component that is being tested shall be included in the sampling.

(c) Composite dust samples shall not consist of subsamples from more than one type of component. (Authorized by and implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13, 99, Sept. 13, 1999.)

28-72-21. Work practice standards; recordkeeping. All reports or plans required in this article shall be maintained for no fewer than three years by the licensed lead activity firm or certified individual who prepared the report. The licensed lead activity firm or certified individual also shall provide copies of these reports to the building owner who contracted for the services. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Sec. 4; effective, T-28-9-13-99, Sept. 13, 1999.)

28-72-22. Enforcement. (a) A notice of noncompliance (NON) may be issued by KDHE for any violation of the act or this article. A NON shall be the recommended response for a first-time violator of this article. Compliance assistance information shall be included in the NON to ensure future compliance with KDHE regulations.

(b)(1) The NON shall require the violator to take corrective action in order to comply with this article. The corrective action shall depend upon the specific violations. The NON may require that proof of action be submitted to KDHE by a date specified in the NON.

(2) Mitigating factors in cases in which a NON has been issued shall be documented in the case file. (Authorized by L. 1999, Ch. 99, Sec. 4; implementing L. 1999, Ch. 99, Secs. 4, 10, and 12; effective, T-28-9-13-99, Sept. 13, 1999.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024325

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1999 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-1-5	New	V. 18, p. 1337
1-2-30	Amended	V. 18, p. 1337
1-2-74	New	V. 18, p. 1337
1-2-84	Amended	V. 18, p. 1337
1-2-84a	New	V. 18, p. 1337
1-2-84b	New	V. 18, p. 1338
1-4-8	Amended	V. 18, p. 1338
1-5-22	Amended	V. 18, p. 1338
1-6-25	Amended	V. 18, p. 1338
1-6-32	Amended	V. 18, p. 1339
1-8-6	Amended	V. 18, p. 1339
1-9-2	Amended	V. 18, p. 1340
1-9-14	Amended (T)	V. 18, p. 1390
1-9-19a	Amended	V. 18, p. 1341
1-9-25	Amended	V. 18, p. 1342
1-10-10	New	V. 18, p. 1344
1-10-11	New	V. 18, p. 1345
1-16-18	Amended	V. 18, p. 869
1-16-18a	Amended	V. 18, p. 869
1-18-1a	Amended	V. 18, p. 871

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-20-11	Amended	V. 18, p. 418
4-20-15	New	V. 18, p. 418
4-21-1 through 4-21-6	New	V. 18, p. 418-420

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-31-1 through 7-31-4	Revoked	V. 18, p. 672
7-35-1	Amended (T)	V. 18, p. 1389
7-35-2	Amended (T)	V. 18, p. 1390
7-40-1	New	V. 18, p. 1148

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-20-4	New	V. 18, p. 161
9-29-6	Amended	V. 18, p. 895

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-9-1 through 11-9-10	New	V. 18, p. 79, 80

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-24-1	New	V. 18, p. 956
17-24-2	New	V. 18, p. 956

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-19-1	Amended	V. 18, p. 1170
22-19-2	Amended	V. 18, p. 1170

22-19-3	Amended	V. 18, p. 1171
22-19-4a	New	V. 18, p. 1171

AGENCY 25: DEPARTMENT OF AGRICULTURE (KANSAS STATE GRAIN INSPECTION)

Reg. No.	Action	Register
25-5-1	New	V. 18, p. 53

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-2	Amended	V. 18, p. 188
26-1-4	Amended	V. 18, p. 544
26-1-6	Amended	V. 18, p. 544
26-1-9	New	V. 18, p. 188

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

Reg. No.	Action	Register
27-2-1	Revoked	V. 18, p. 231

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-6	Amended	V. 18, p. 953
28-1-25	Revoked	V. 18, p. 105
28-4-330 through 28-4-343	New (T)	V. 18, p. 1058-1070
26-16-28b through 28-16-28f	Amended	V. 18, p. 1021-1033
28-19-50	Revoked	V. 18, p. 50
28-19-52	Revoked	V. 18, p. 50
28-19-201	Amended	V. 18, p. 106
28-19-650	New	V. 18, p. 50
28-19-720	Amended	V. 18, p. 782
28-19-735	Amended	V. 18, p. 782
28-19-750	Amended	V. 18, p. 782
28-19-751	Revoked	V. 18, p. 1099
28-19-752	Revoked	V. 18, p. 1099
28-19-752a	New	V. 18, p. 1099
28-23-81 through 28-23-89	Revoked	V. 18, p. 1099
28-19-751	Revoked	V. 18, p. 1099
28-19-752	Revoked	V. 18, p. 1099
28-19-752a	New	V. 18, p. 1099
28-23-81 through 28-23-89	Revoked	V. 18, p. 1099
28-29-3	Amended	V. 18, p. 1345
28-29-25a	New	V. 18, p. 1346
28-29-25b	New	V. 18, p. 1347
28-29-25c	New	V. 18, p. 1348
28-29-25e	New	V. 18, p. 1350
28-29-25f	New	V. 18, p. 1351
28-29-26	Revoked	V. 18, p. 673
28-31-1	Amended	V. 18, p. 673
28-31-2	Amended	V. 18, p. 673
28-31-3	Amended	V. 18, p. 674
28-31-4	Amended	V. 18, p. 674
28-31-6	Amended	V. 18, p. 678
28-31-8	Amended	V. 18, p. 679
28-31-8b	Amended	V. 18, p. 680
28-31-9	Amended	V. 18, p. 680
28-31-10	Amended	V. 18, p. 681
28-31-12	Amended	V. 18, p. 681
28-31-13	Amended	V. 18, p. 682
28-31-14	Amended	V. 18, p. 682
28-31-15	New	V. 18, p. 682
28-31-16	New	V. 18, p. 682
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099
28-36-20 through 28-36-29	Revoked	V. 18, p. 1099, 1100
28-36-101 through 28-36-108	New	V. 18, p. 1100-1102
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099

28-36-20 through 28-36-29	Revoked	V. 18, p. 1099, 1100
28-36-101 through 28-36-108	New	V. 18, p. 1100-1102
28-39-133 through 28-39-134	Revoked	V. 18, p. 1393
28-39-137 through 28-39-144	Revoked	V. 18, p. 1393
28-39-145	Revoked	V. 18, p. 1395
28-39-145a	New	V. 18, p. 1395
28-39-152	Amended	V. 18, p. 1397
28-39-160	Amended	V. 18, p. 1399
28-39-161	Amended	V. 18, p. 1400
28-39-162a	Amended	V. 18, p. 1401
28-39-162c	Amended	V. 18, p. 1405
28-39-163	Amended	V. 18, p. 1410
28-39-240	Amended	V. 18, p. 1412
28-39-245	Amended	V. 18, p. 1413
28-39-247	Amended	V. 18, p. 1414
28-39-275 through 28-39-291	New	V. 18, p. 1416-1423
28-39-300 through 28-39-312	Revoked	V. 18, p. 1423
28-39-425 through 28-39-437	New	V. 18, p. 1423-1429
28-50-1	Amended	V. 18, p. 1353
28-50-2	Amended	V. 18, p. 1355
28-50-4	Amended	V. 18, p. 1356
28-50-5	Amended	V. 18, p. 1356
28-50-6	Amended	V. 18, p. 1356
28-50-7	Revoked	V. 18, p. 1358
28-50-8	Amended	V. 18, p. 1358
28-50-9	Amended	V. 18, p. 1359
28-50-10	Amended	V. 18, p. 1363
28-50-14	Amended	V. 18, p. 1363
28-65-1	Amended	V. 18, p. 682
28-65-2	Amended	V. 18, p. 683
28-65-3	Amended	V. 18, p. 683

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-2-16	Amended	V. 18, p. 895
30-4-64	Amended	V. 18, p. 271
30-6-59	Revoked	V. 18, p. 895
30-6-86	Amended	V. 18, p. 895
30-6-103	Amended	V. 18, p. 896
30-14-30	Amended	V. 18, p. 896

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-26	Amended	V. 18, p. 1058
40-3-33	Amended	V. 18, p. 1016
40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-35	Amended	V. 18, p. 1148

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended	V. 18, p. 390

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-4	New (T)	V. 18, p. 1034

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 18, p. 1170

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 18, p. 51
60-7-101	Amended	V. 18, p. 52

AGENCY 65: BOARD OF EXAMINERS
IN OPTOMETRY

Reg. No.	Action	Register
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-22	New	V. 18, p. 81
68-3-5	New	V. 18, p. 1309
68-3-6	New	V. 18, p. 1309
68-5-15	New	V. 18, p. 993
68-7-18	Amended	V. 18, p. 994
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81
68-14-1	Amended	V. 18, p. 1019
68-14-2	through	
68-14-5	Amended	V. 18, p. 996, 997
68-14-7	Amended	V. 18, p. 997
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-15-2	New	V. 18, p. 1309
68-15-4	New	V. 18, p. 1309
68-20-10a	New	V. 18, p. 81
68-20-15a	Amended	V. 18, p. 82
68-20-17	Amended	V. 18, p. 83
68-20-19	Amended	V. 18, p. 83

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-3-7	New	V. 18, p. 104
71-6-1	through	
71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-10	Amended	V. 18, p. 1238
74-5-103	Amended	V. 18, p. 1238
74-5-104	Amended	V. 18, p. 1238
74-5-202	Amended	V. 18, p. 1239
74-5-203	Amended	V. 18, p. 1239
74-5-406	Amended	V. 18, p. 1240
74-11-6	Amended	V. 18, p. 1240
74-12-1	Amended	V. 18, p. 581

AGENCY 80: KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

Reg. No.	Action	Register
80-1-1	Amended	V. 18, p. 1230
80-1-2	Amended	V. 18, p. 1230
80-1-3	Amended	V. 18, p. 1230
80-1-4	Revoked	V. 18, p. 1230
80-1-5	Amended	V. 18, p. 1230
80-1-6	Amended	V. 18, p. 1231
80-1-9	Amended	V. 18, p. 1231
80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233
80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234

80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-2	through	
80-53-6	Revoked	V. 18, p. 1237
80-54-1	through	
80-54-4	Revoked	V. 18, p. 1237
80-55-1	through	
80-55-4	Revoked	V. 18, p. 1237
80-55-8	Amended	V. 18, p. 1237

AGENCY 82: STATE CORPORATION
COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-900	through	
82-3-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 18, p. 1391
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173

AGENCY 99: DEPARTMENT OF
AGRICULTURE—DIVISION OF
WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-5	Revoked	V. 18, p. 1230
100-24-3	New	V. 18, p. 483

AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035

AGENCY 105: BOARD OF INDIGENTS'
DEFENSE SERVICES

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142
105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4	through	
105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH
CARE COMMISSION

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 451
111-2-4	Amended	V. 18, p. 1133
111-2-30	Amended	V. 18, p. 1133
111-2-43	through	
111-2-65	Revoked	V. 18, p. 330
111-2-67	through	
111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	Amended	V. 18, p. 773
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88	through	
111-2-93	New	V. 18, p. 451-453
111-3-1	Amended	V. 18, p. 956
111-3-14	Amended	V. 18, p. 957
111-3-21	Amended	V. 18, p. 958
111-3-22	Amended	V. 18, p. 958
111-4-1364	through	
111-4-1380	New	V. 18, p. 14-19
111-4-1381	through	
111-4-1396	New	V. 18, p. 55-59
111-4-1384	Amended	V. 18, p. 958
111-4-1397	through	
111-4-1412	New	V. 18, p. 125-129
111-4-1413	through	
111-4-1430	New	V. 18, p. 332-336

(continued)

111-4-1423	Amended	V. 18, p. 453
111-4-1431		
through		
111-4-1443	New	V. 18, p. 454-457
111-4-1444		
through		
111-4-1468	New	V. 18, p. 773-779
111-4-1457	Amended	V. 18, p. 958
111-4-1469		
through		
111-4-1485	New	V. 18, p. 959-963
111-4-1473	Amended	V. 18, p. 1305
111-4-1481	Amended	V. 18, p. 1305
111-4-1485	Amended	V. 18, p. 1306
111-4-1486		
through		
111-4-1500	New	V. 18, p. 1133-1137
111-4-1501		
through		
111-4-1508	New	V. 18, p. 1306-1308
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-7-66	Amended	V. 18, p. 1137
111-7-76	Amended	V. 18, p. 1137
111-7-77	Amended	V. 18, p. 1137

111-7-78	Amended	V. 18, p. 1138
111-7-78a	New	V. 18, p. 1138
111-7-80	Amended	V. 18, p. 1138
111-7-80a	New	V. 18, p. 1139
111-7-81	Amended	V. 18, p. 1140
111-7-82	Amended	V. 18, p. 1141
111-7-83	Amended	V. 18, p. 1141
111-7-134	Amended	V. 18, p. 336
111-9-97		
through		
111-9-102	New	V. 18, p. 337
111-9-103		
through		
111-9-108	New	V. 18, p. 963, 964
111-9-106	Amended	V. 18, p. 1308

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-10-6	Amended	V. 18, p. 954

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334

115-11-2	Amended	V. 18, p. 484
115-16-4	Amended	V. 18, p. 780
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-30-10	Amended	V. 18, p. 781

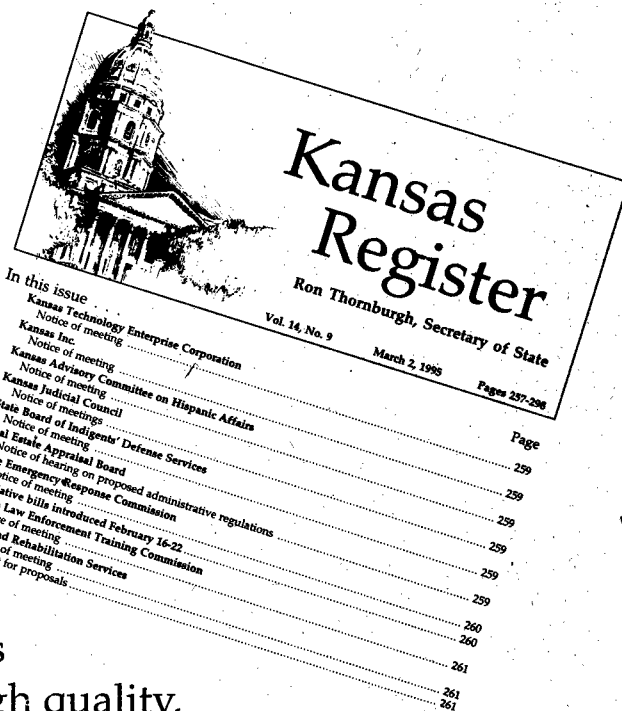
AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-6-1	Amended	V. 18, p. 955
117-8-1	Amended	V. 18, p. 995

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-1		
through		
118-4-4	New	V. 18, p. 672, 673

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